

Anarchia Anglicana:

OR,
T H E H I S T O R Y
OF
I N D E P E N D E N C Y.

THE SECOND PART.

BEING
A Continuation of Relations and Observations
Historicall and Politique upon this
present **PARLIAMENT** ,
Begun *Anno 16. CAROLI Primi.*

By **THEODORUS VERAX.**
[*Clement Walker*]

Pfal. 8. 8.

Firmum sanguinum & dolosum abominabitur Dominus.

Diodor. Sic. l. 17. p. 517.

Τὰ κατὰ τὸν πόλεμον περιγέρματα τὰ πλείονα διὰ τυχῶν ἐπιτυχάνῃ. Τὸ δ' ἐν
ἔξοχαις ἐλαττοῖς διὰ μένους τῆς προνοίας γίνεται.

Idem, l. 18. p. 594.

*Philippus dicere solebat, Δημοκράτης τὸν μὲν πόλεμον οὐδέποτε ἀπέχεσθαι, καὶ δ' οὐδέποτε
πόλεμον*

Printed in the Yeare, M. DC. XL IX.

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OF
THE HISTORY
OF
INDEPENDENCY

THE SECOND PART.

A Continuation of the History and Geography
Historical and Political upon this

By
Benjamin Franklin, Esq.

By BENJAMIN FRANKLIN, Esq.

PHILADELPHIA

Printed by B. Franklin, at the Sign of the Ship, in Market Street.

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Printed in the Year 1776.

To the READER.

REader, having spoken to thee in the First Part, I might have borne thee in this Second, did I not feare to seem guilty of the sullenesse and malignity of these times. The subject-matter of my booke is a Combination or Faction of Pseudo-Politicians, and Pseudo-Theologitians, Hereticks and Schismaticks, both in Divinity and Policy; who, having sacrificed to their Fancies; Lusts, Ambition and Avarice, both their God and Religion, their King and Countrey, our Lawes, Liberties and Properties, all duties Divine and Humane, are growne so farre in love with their prosperous Sinnes, as to entitle God himselfe to be Father and Authour of them; from whose written word and revealed will held forth to us in the Scriptures as the onely North Pole and Cynosure of our Actions (where they find no warrant for their doing) they appeale to the secret will and Providence of God, to which they most Turkishly and Heathenishly ascribe all their enormities, only because they succeed: and, from that abyse of Gods Providence, draw secondary Principles of Necessity and Honest intentions, to build the Babel of their confused Designs and Actions upon; not considering that wicked Men performe the secret will of God to their Damnation; as good Men doe the knowne will of their Father to their Salvation. If a Man lie sick to death, and his Sonne wish him dead, this is a sinne in the Sonne, although his desire concurre with the secret will of God; because the Sonne

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priviledges) conducive to their ends) they insensibly cast
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doings, whilst they use the Hidden and unsearchable Provi-
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like Cælius the Atheist in Martial. Prosperity is become a
snare to them, and a Topick place out of which they draw ar-
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but a prudentiall one to fool the People with.

Nullos esse Deos, inane Cœlum,
Affirmat Cælius, probatque,
Quod se vider, dum negat hæc, beatum.

But O wretched unholied men! what are they that thus
commit Burglary in the Sanctum Sanctorum of Gods
Providence? That presume, not onely to prie into, but to
thrust their hands polluted wth blood and rapine into Gods
mysterious Arke? Thus much for the subject matter. For
the manner of my writing, I confesse, as to the style, it is not
æquabile

To the Reader.

*iniquabile scribendi Genus, all of one weaving and con-
texture : It is a History writ with a Satirique style, and
veyne : ——— Nam quis iniqui,*

Tam patiens orbis, tam terrens ut teneat se

*It is a virtue to hate and prosecute vice. The Scripture tells
us, There is a perfect hatred, a Holy Anger. And our
Chaucer tells us, The words must be of kynne unto the
deeds : otherwise, how can they be expressive enough ? I
darest vicia pulcherrime manganizata ; vice trick'd up in
virtues rayment ; and prostituted under her modest dresse
to stirre up Adulterers. Quicquid agunt homines no-
stri est farrago libelli. A huge Gallymaufry, an Oglio
of all villanies there set before thee : it cannot be all of one
dressing and seasoning, it must be a mixture, a Hogo of
all Relishes ; like Marina in the wilderness, it must be appli-
cable to all Palates : wherefore according to the variety of
every present subject-matter, vel ridenti rideo, vel flenti
fleo, I become all things to all Men, I assimilate my affecti-
ons and humors to every Mans humor as well as to the pre-
sent Theme ; that I may take every Man by the right hand
and lead him out of this Ur of the Chaldeans, this Land of
Ægypt, this House of Bondage in judgment and conscience,
though not in person and estate : which must only be the
mighty handy-work of that God who is able to divide the
Red Sea, and give us a safe march through it upon dry
Land.*

*Which that he would vouchsafe to doe let us all joyne our
harty prayers : and that we may instrumentally serve him
in it, let us all joyne our heads, hearts and hands together,
since God neglects faint-hearted and cowardly prayers : Let
us not lie in the Ditch and cry, God help us. But let us
help God to help us, and keep cor unum, viam unam, in the
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The Ordinance passed, 30. Aug. 1647. To null and void all Acts, &c.
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Die Veneris 20. August. 1647:

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passed in one or both Houses, since the Force on both Houses,
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VV Hereas there was a visible, horrid, insolent and a^ctual Force
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liament: and whereas those Members of the House could not return
to sit in safety before Friday, the 6. *August*; It is therefore decla-
red by the Lords and Commons in Parliament assembled, that the
Ordinance of Monday, 26. *July*, for the Repealing and making void
of the Ordinance of the 23. of the said *July*, for letting of the Mil-
itia of the City of *London*, being gained by force and violence; and
all Votes, Orders, Ordinances passed in either, or both Houses of
Parliament, since the said Ordinance of the 26 of *July*, to the said 6.
of *August*, are null and void; and were so at the making thereof, and
are hereby Declared so to be, the Parliament being under a force, and
not free: Provided alwayes, and be it Ordered, That no Person or
Persons shall be impeached, or punished for his or their actions, by or
upon, or according to the aforesaid Votes, Orders, or Ordinances,
unlesse he, or they shall be found guilty of contriving, acting, or a-
betting the aforesaid visible and a^ctual force; or being present at, or
knowing of the said force, did afterwards act upon the Votes so for-
ced; or were guilty of entering into, or promoting the late Engage-
ment for bringing the *KING* to the City upon the Terms and condi-
tions expressed in His Majesties Letter of the 12. of May last.

John Browne
Clur. Parl.

Titus Quintius apud Livium.

Discordia ordinum est venenum hujus urbis, Patrum & plebis certamina: dum nec nobis imperii, nec vobis libertatis est modus, dum tædet vos Patritiorum, nos Plebeiorum, Magistratum, &c. Proh Deum fidem! quid vobis vultis? Tribunos plebis concupistis, concordia causâ concessimus: Decemviros desiderastis? creati passim sumus: Decemvirorum vos pertasum est: coegimus abire Magistratu, &c. Tribunos plebis iterum creati voluistis, creastis. Consules facere vestrarum partium, patritium quoque Magistratum plebi donum fieri videmus. Auxilium Tribunitium provocationem ad populum, scita plebis injuncta patribus sub titulo æquandarum legum, nostra jura oppressa ferimus; Qui finis erit discordiarum? ecquando nam urbem, ecquando communem hanc patriam habere licebit?

Tullius pro domo sua, & pro Planc:

Non Comitibus judicat semper populus, sed movetur plerumque gratiâ, cedit precibus, facit eos à quibus est maxime ambitus; denique si judicat non delectu aliquo aut sapientiâ ducitur ad judicandum, sed impetu & quadam temeritate; non est consilium in vulgo, non ratio, non discrimen, non diligentia: semperque sapientes ea quæ populus fecisset ferenda, non semper laudanda duxerunt.

Et pro Muræna.

Nullum fretum, nullus Euripus tot motus tantos, tot varias habet agitationes fluctuum, quantas perturbationes & quantos æstus habet ratio Comitiorum: Dies intermissus unus aut nox interposita sæpe turbat omnia; & totam opinionem parva nonnunquam commutat aura rumoris; sæpe etiam sine ulla aperta causâ fit aliud atque nos existimamus: ut nonnunquam ita factum esse etiam populus admiretur, quasi verò non ipse fecerit.

Contzen: pol. l. I. c. 21.

Roma ann. 400. quibus inter Reges & Cæsares libertatem se habere professâ est, in perpetuo certamine ac tumultu vixit.

Tacitus, an. I.

Discordantis patriæ non aliud remedium esse, quam si ab uno regeretur:

I. Sam. 8. 6.

Restitue nobis regem ut judicet nos.

The Elements of Euclid

Book I. The Elements of Euclid. The first part of the work, containing the definitions, axioms, and the first four propositions. It begins with the definition of a point, a line, a surface, and a solid. It then proceeds to the axioms, which are the fundamental principles of geometry. The first four propositions are: 1. To draw a straight line from one point to another. 2. To draw a straight line parallel to a given straight line. 3. To draw a circle with a given center and radius. 4. To draw a circle with a given radius and tangent to a given straight line.

Proposition 1. To draw a straight line from one point to another. This is the first proposition of the first book. It is a simple construction, but it is the foundation of all geometry. It is the first step in the process of drawing a line, which is the first step in the process of drawing a figure.

Proposition 2. To draw a straight line parallel to a given straight line. This is the second proposition of the first book. It is a more complex construction, but it is also the foundation of all geometry. It is the second step in the process of drawing a line, which is the second step in the process of drawing a figure.

Proposition 3. To draw a circle with a given center and radius. This is the third proposition of the first book. It is a simple construction, but it is the foundation of all geometry. It is the third step in the process of drawing a line, which is the third step in the process of drawing a figure.

Proposition 4. To draw a circle with a given radius and tangent to a given straight line. This is the fourth proposition of the first book. It is a more complex construction, but it is also the foundation of all geometry. It is the fourth step in the process of drawing a line, which is the fourth step in the process of drawing a figure.

Proposition 5. To draw a circle with a given radius and tangent to a given straight line. This is the fifth proposition of the first book. It is a more complex construction, but it is also the foundation of all geometry. It is the fifth step in the process of drawing a line, which is the fifth step in the process of drawing a figure.

THE SECOND PART

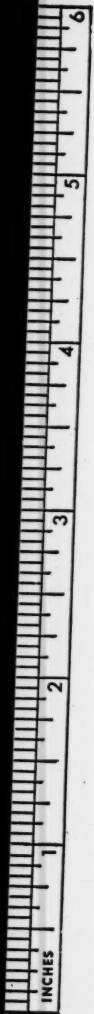
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The History of Independency.



Y First part of *Relations and Observations Historicall and Politique upon this present Parliament*, begun Anno Dom. 1640. anno Car. primi. 16. is divided into two parts or Books, [*The Mystery of the two Justices, Presbyterian and Independent*] wherein I shew with what art (to advance their designs) the Grandees divided the Houses into the said two Factions; which Factions entertaining the Quarrell in earnest, their respective Grandees were forced to turne their jest into earnest too, for upholding their Authority, with their severall Parties; no unlike Butchers, who, in a Country Market set their Doggs together by the eares in sport, and at last owne their Doggs quarrell themselves in earnest. The second Book is, [*The History of Independency*], wherein I shew the *Rise, Growth, and Practises of that Party*; which being full of schismaticall quick-silver, restless and stirring, and tenable by no Oaths, Principles, Promises, Declarations, nor by any obligations or Lawes divine and humane, doth now enjoy the fruits of their perfidiousness or treachery, a Conquest gotten over their Adversaries by pretending, protesting and false promising, which they attribute to the Bounties and Mercies of God; and from the successe of their villanies argue most Turkishly his blessings over them; and as Jewishly arrogate to themselves to be the peculiar People and Saints of God, although he useth them but as a Rod in his hand to scourge the sinnes of the other Party, and of the whole Kingdom. It is the usual method of Gods justice not onely to punish one sinne

The Prologue.



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Pfal. 8. 8.

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I. Sam. 8. 6.

Restitue nobis regem ut iudicet nos.

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THE SECOND PART

O F

The History of Independence.

MY First part of *Relations and Observations Histori-
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divided into two parts or Books, [*The Mystery of
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by

The Progne.

by another, but one Sinner by another; nay, a lesser Sinner, by a greater: and at last to receive the humble and contrite Sinner into Abraham's bosome, and cast the insulting Executioner of his wrath into the fiery furnace of his anger. In my aforesaid *[History of Independency]* you have that Faction conquering: In this *Continuation or Supplement* of the said History, I represent them to you triumphing, using and abusing their Victories to the dishonour of God, destruction of the King, begging and enslaving of the Kingdome, depriving us of our Religion, Lawes, Liberties and Estates, and consequently, making our Wives and Children the objects of our feare, despair, and ill boding doubts, not the objects of any comfort and joy we can take in them whose miseries we foresee, but cannot help. When I consider the intricacy of this my undertaking, how perplexed it is, how intangled with various changings, counterchangings, revolutions, revoltings, and betrayings of Parties, (such are all Civill Warres, but especially those where the most uncivill and barbarous sort of men, the drags and lees of the People swim at top) how full of divisions, and subdivisions; insomuch that they who are Friends, and hold together in one Interest or Faction, are Opposites in another. Methinks my labour is as vaine as his that attempted to take the Picture of Proteus; or his, that endeavoured to shape a Garment for the Moone: when God brought a Confusion but of Lips and Tongues upon Babel, what Man was able to reduce them into order againe? But God hath brought upon us a Confusion, a Babel, not onely of Lips and Tongues, but of Heads, Heart, Hands, &c. What Historian can find a method in so universall a Chaos? can draw light out of so palpable a darknesse? Besides, I foresee my reward to be envie, hatred, malice, contempt, slanders, sequestration, beggery, imprisonment, and at last an Arbitrary death without any Legall Tryall, proceedings, Jury, Judges, or Court, or any knowne established Law to judge by; *Obsequium amicos, veritas odium parit.* I have already followed truth so neer at the heels (although but a private retainer to her) that almost all my teeth are secretly stricken out: what dare they not now do openly against me, since by murdering our King, dis-inheriting his Posterity, subverting Monarchicall Government, abolishing the house of Lords, and perverting the

House

House of Commons, setting up new Representatives; with Supreme and Legislative Power, and new Courts and Jurisdictions against all Lawes, they Proclaime themselves Conquerours of King, Parliament, and Kingdome, Victors of our Religion, Laws, Liberties, & Properties, & Triumphers over our Persons, Wives, Children, and Estates; since they professe their will & power, to be the only Lawes & Rules of their doings, and our sufferings. But when I consider, that as no mans innocency, so no mans reservedness can protect him; but that some men must die (according to *Cataline's* rule) to make up the number, others to multiply confiscations, others to satisfy private suspicions, malice and revenge, & many must die to cement and foment this new erected Tyranny with their blood, I thought it as easie & more honourable to die waking and working for my God, my King, and Country, than to die sleeping, and have my Throat cut in a Lethargy. I know these Schismaticks thirst as much after blood, as they hunger after money: and I am sure to be involved in the common and inevitable ruine of my Country, why should I not rather perish for it now, then with it hereafter? It is more manly, more noble, more Christian; *Dulce & decorum est pro patria mori*; was the saying of an Heathen, why not of a Christian? Religion, Lawes, and Liberties, lie now at stake; why should not I contend for a Gamester? it is a mixt cause, and he that dies for it is a Martyr. He that feares Death, must be a slave to those Tyrants that carry the Sword; he that feares poverty, must be a Villaine to those *Judasses* that bear the Purse; but he that feares God, will borrow strength from him to contemn them both. Thus putting my trust in God, I put pen to Paper; and my life into the scales, where God (I know) holds the ballance: he whose providence takes notice of a Sparrow falling from the house top, will watch over me, and either protect me against them, or receive me from them.

Cromwell and Ireton (by advice of their driving Junco of Independents in the two houses) having mutinied the Army against their Masters the Parliament, found that crime could not be defended; but by committing greater, wherefore they seized the Kings Person at *Holdenby* to gain Authority with the People; that they might the better subdue the Parliament to their lusts:

2
An Introductory Repetition.
See my I. Part of the History of Independency, sect. 7. 8. 9. 10. 11, 13, & 14.

for the better expediting whercof, they courted the City of *London* to sit Neuters, and let them work their wills with the Parliament; which Myne not taking fire, they united the schismatical Party of the City and Countrey to them, and all such as being guilty of publique cheats and spoyles, desired the protection of the Sword to make good their rapines: and accounted all men else as Enemies; applying themselves to wooe and cajole the People; easily wrought upon, as being weary of the Warre, and of the Mis-government, Factions, confusions and oppressions of their new Masters the Parliament; which indeed were very great, but aggravated by them and their Agitators beyond the truth: and the whole waight of them charged upon the more moderate and innocent Party, (onely because they were their Opposites) whereas had they set the saddle upon the right horse, as sure as *Judas* bore the Bagge, the Independents must have rid before the Cloakbagge; they being the Publicans and Sinners that handled most publique treasure. The Layers on, Exactors, Treasurers, &c. of Taxes, the farre more numerous and busie party in all Money-Committees, and gainfull Employments, Engroblers of all great Offices; and the greatest Sharers of publique money amongst themselves for Compensations for Losses, and Rewards for Services pretended; and consequently, that Faction were the greatest Dilapidators of the Common-wealth, Oppressors of the People, and Authors of confusion, though (according to custome) by an impudent fallacy, called (*Translatio criminis*) the Independent faction lay their Bastards at other Mens doores, making a shew to redresse those faults in other men, which themselves are chiefly guilty of: wherefore the better to ingratiate themselves with King and People they printed and published Engagements, Declarations, Remonstrances, Manifestoes, Proposals, and Petitions of their owne penning, and sent them by their Agitators and sectary Priests into all Counties for concurrence and Subscriptions: the better to steal the respects of the People from the Parliament to themselves, like *Absolom*, they flattered the People to make Addresses and Complaints against publique Grievances to them onely: Boasting themselves for the sole Arbitrators of Peace, Restorers of Lawes, Liberty, and Property: Settlers of Religion, Maintainers of the privileges of Parliamen-

Refor-

Reformers and Callers to Account of all Committees, Sequestrators, Treasurers, &c. Deliverers of the People from that intolerable Excise, and other Taxes: But above all, preservers of all just Interests, and Restorers of the King to his just Rights and Prerogatives with *honour, freedom, and safety* to his person, (originally there owne words, though since they Quarrell with Parliament & City for using them) & Reducers of his Queen and Children; without which they openly professe and declare positively in many printed papers to the world and the Parliament, There can be no settled peace nor happinesse to this Nation: The truth of this Assertion was obvious to the meanest Capacities, and will sodainly be proved by deare and lamentable experience. To all these undertakings they now hunt directly counter, yet in pursuance of these undertakings, the Army (by their own Authority) made addressees to his Majesty, and presented to him more tolerable Proposals then any he could obtaine from his Parliament: They treated with him, yea they wrought upon him underhand to neglect the Propositions from Parliament tendered to him at *Hampton Court*, and to preferre the Proposals of the Army; and then (presuming they had him fast limed) they propounded to him a new (as I have it from good hands) private propalls for the Interest of the Independent Grandees and the Army, derogatory to the Kingly power and Dignity, to the Lawes, Liberties and properties of the Subject, and destructive to Religion. To which his Majesty giving an utter denyall, they began to entertaine new Designs against the Kings Person, and Kingly Government, which they ushered in by setting the Schismaticall and Levelling Party on work in City and most Counties, to obtrude upon the Houses clamorous Petitions against further Treaties, and demanding exemplary Justice against the King: exceedingly laboured by

Booke of Declarations of the Army
page. 113.

Represent; of the Army at *S. Albons*,
June 23. 1647.

B. Decl. againe, p. 64.

Sir *Tho. Fairfax's* Letter to the Houses from *Reading*, *July 6. 1647.*

B. Decl. againe, p. 75.

Propalls of the Army, *Aug. 1. 1647*

Putney Projects, p. 13, 14, 43. and my

Animadversions upon the Armes Remonstrance, delivered to the Com-

mons, *Novemb. 20. 1648.*

The second part of *Englands New Chains*; and the Hunting the Foxes from *New-Market* and *Tripla Heath* to *white ball* by five small Beagles, p. 6, 7.

See my Animadversions upon the Ar-

my Remonstrance, *Nov. 20. 1648.* and

Putney Projects, p. 43. and Major

Huntingtons relation in a Book called,

A Plea for King and Kingdome, in

Answer to the Army Remonstr: pre-

sented *Novemb. 20. 1649.* pag. 14, 15,

16. and second part of *Englands New*

Chains; and the said Hunting of the

Foxes, &c. And the reasons intucing

Major *Robert Huntington* to lay down

his Commission.

Cromwell, himself in *Yorkshire* hath amongst the Gentry and Soldiers, &c. (amongst these the *Petition, Decemb. 11. 1648.* was the most eminent) these men that insensibly Petitioned against the fundamentall Government of the Land, and Peace by Accommodation, were entertained with Thanks; Others that Petitioned for Peace by Accommodation were entertained with Frowns, disfranchisings, sequesterations, wounds and death; as the *Surrey Gentlemen*; this shewed with how little reality the over-ruling party in the Houses treated with the King. In order to this Designe of laying aside the King, and subverting Monarchy, they 1. frighted his Majesty into the Isle of *Wight*. 2. The Parliament (that is, the predominant party) pursued him thither with offer of a Treaty upon Propositions, conditionally (that before he should be admitted to Treat) he passe 4. Dechristening Bills; of so high a nature, that he had enslaved the People, subverted Parliaments, and had made himselfe but a Statue of a King and no good Christian, had he by his Royall assent passed them into Acts of Parliament: and the Parliament (or rather the Grandees) after his Royall assent, might have made themselves Masters of all the other Propositions without his Consent: so that this Treaty was but a flourish to dazzle the eyes of the world. His Majesty therefore denied the 4. said Bills, and thereby preserved the legall interest of King, Parliament, and People; yet the Faction presently took a pretence and occasion thereupon to lay aside the King, by passing 4 Votes for no more Address, to him; and a Declaration against him: which were not passed without many threats, and more shew of force then stood with the nature of a free Parliament, the Army lying neere the Towne to back their Party: the designe having been laid before hand between Sir *Henry Wane* Junion, Sir *John Evelyn* of *Wills*, *Nath. Fiennes*, Solicitor *Saint Johns*, and a select Committee of the Army, I told you before the People had been thoroughly instructed formerly by the Army and their agigators, That *there could be no Peace nor happiness in England, without restoring the King to his just Rights and Privileges, &c.* notwithstanding which the People now found, their hopes that they deluded by the Army and their Party; who had cast off the King upon private discontents, the true grounds whereof did not appeare;

and

2. part of *England's* Chaines discovered.

1. Treaty in the Isle of *Wight*.

1. par. Hist. Ind. sect. 62, 63, 64.

Ibidem sect. 65, 66, 67, 70, 71, 72, 74, 75. And my said Antimimesis p. 161. And the 2. part of *England's* new Ch:

2. part of *England's* new Ch: discovered. P. 4. 5.

and had obtruded all ways to Peace and Accommodation; and made them dangerous and destructive so far as troubled Peaceably in them, witness the sad example of the *Barreys, Kent, Essex*; and all so perpetuate their great places of Power and profit. The minds of the people therefore troubled with apprehension that our old Lawes and lawdable forme of Government should be subverted, and new obtruded by the power of the Sword, suitable to the lusts and interests of these ambitious, covetous Men; and finding beside evident symptoms of a new Warre approaching to consume that small Remainder; which the last warres had left; grew so impatient of what they feared for the future, and felt at present (insupportable Taxes, Free-quarter, insolency of Souldiers, Martial Law, Arbitrary Government by Committees, and by Ordinances of Parliament changed and executed at the will and pleasure of the Grandees, instead of our settled and well approved Lawes) that desperate thrust them headlong into Armes in *Wales; Kent, Essex, Pembrokeshire, &c.* and at the same time a cloud arising in *Ireland*; a Storme poured in from *Scotland*, and the *Prince* threatening a tempest from sea; these concurrences looked so black upon the Independent Grandees, that they gave way to a second mock-Treaty in the *Isle of Wight*; which was the fruite of their cowardise and subtilty, as appears by Sergeant *Nicholls* (a creature of theirs) who (upon Saturday, Octob. 28, 1648) moved in the House, That the Lord Goring might be proceeded against as a new Delinquent out of Mercy, because he had cugged them into a Treaty, though now they attribute all to the Kings corrupt Party in the two Houses: the Army likewise kept a mock fast or day of Humiliation at *Windsor* to acknowledge their sinnes, and implore Gods mercy for their former disobedience to the Parliament in not Disbanding, and their insolent Rebellion in Marching up in a Hostile and Triumphant posture against the Parliament and City August 6, 1647. promising more obedience hereafter, and to acquiesce in the judgment of the Parliament, and Declared; That it was proper for them to ass in their owne sphere as Souldiers, and leave state affairs to the Parliament: 1647. but this was done but to recover a good opinion of the people and City, and to keepe them from stirring, and to lay the mode-

2. Treaty in the
Isle of Wight.

rate Party of the two Houses from Declaring the Army Enemies, recalling and Votting their Commissions, and established Pay voyde, which they might have done with ruine to the Army and their party in that Conjunction of Affaires, and with safety to themselves, and applause of all honest men of England that had taken part with the Parliament from the beginning; had not some Grandees of the rigid Presbyterian party (both within and without the Houses) some cursed thing, some *Achans* wedged in their bosomes which suggested, Their sinnes were greater than could be forgiven; and therefore they durst not cast downe the partition wall between them and the King (this Army) though it leane so hard upon them, it is ready to overwhelm them; Warre is necessary for some men of every Faction, whose crying sinnes peace will lay open and naked to the scorne, derision, and detestation of the world. How well these sanctimonious Sword-players of the Army have observed the Duties and Undertakings of their said Humiliation, let the world judge: Have they not returned againe with the Dogge to the Vomit? have they not coufused God, and their owne Soules? Sure they fasted from siene then, that they might sinne with the more greedy appetite now; and asked God forgiveness of the old score, that they might sinne againe upon a new score. Thus you see the 2. Treatices in the *Ile of Wight* were begotten by feare and (that Idol of the Independents to which they offer up all their knaveries) Necessity. They were Cockatrice Eggs layd by their Grandees when they had been Crow-trodden by Armies from abroad, and Tumults at home; upon which they sate abroad onely to hatch Scandalls and new quarrels against the King, Anarchy and confusion to the State, and Tyranny and Oppression of the People: to set up the Olygarchy of the Saints, or Councel of State, the Kingdoms of the Brambles, which since doth scratch the wool from off the skin, the skin from off the flesh, the flesh from off the bones. I have been compelled to use some introductory Repetitions in this part of my discourse; that I may give you the whole mystery of the 2. Treatices with the King in the *Ile of Wight*, with the causes efficient, and finall of them under one view; lest some one link of the chain escaping your observacion it become a Chaine of errors to you.

See my 1. part
sect. 65. 66. 105.
106. 107, and
the Conclusions
there.
Sect. 16. 17. 18.

20 Aug: 1648.
3

My first part of the *History of Independency* ends with that which was but an unlucky preface to a Treaty with the King; namely, *Cromwel's* menacing Letters to the Speaker of the House of Commons, dated August 20. 1648. Relating his easie purchase of a great Victory over Duke *Hamilton*, and Lieut. Gen. *Bayly*; wherein he relates the number of the Scottish Forces, farre differing from the former Report of Lieut. Col. *Osborne* a Scottish Gentleman, made in the House of Commons, July 20 (whereof I have spoken in my first part) who (to take away the terror of them) estimated *Hamilton* and *Langdales* conjoynd forces to be but 10000. and it was then thought a note of disaffection to report them any more; but this Letter (for the greater glory of his sanctified Army) multiplies them to be 21000. The manner of the fight was very strange and exceedingly to be suspected (especially by any man who hath heard or read of *Baly's* former demeanour in his own Country at *Kylsjie* and *Ausforte Kirke*) It was little better then a bearing up of Quarters for 20. Miles together (for so farre the Scots Army lay scatered in their Quarters, the Horse so farre distant from their Foot, they could bring them no seasonable reliefe) Sir *Marmaduke Langdale* with his smale Party drew forth, and made an honorable resistance, had he been timely and strongly seconded: on the Scottish Party the Fight began at *Preston* in *Lancashire*; where the Duke being worsted retreated to *Wigton*, from thence to *Warrington* thorow Lanes and Fastnesses, where *Bayly*, Lieut. Generall of the Scottish Foot, being Strongly quartered upon a Bridge and Passe, yielded up 6000 Foot and Arms without fighting, and so ruined his whole Infantry: from *Warrington* the Duke fled with 4000. Horse to *Nantwiche*, from thence to *Uxeter*, where his manner of yeilding himselfe to Colonell *Wayte* (a Member of the House of Commons) take out of *Wais* owne report in the House, who said, the Duke yielded simply, and without any Articles of Surrender; that he voluntarily gave him his Sword, Scarfe, Signet of Arms, and his George; that he hung upon him so that he Could not get from him, desiring him to secure him from the rage of the Soldiers; saying, He had not come into England, but that he was invited by a greater part of Lords, Commons, Citizens & Covenanters then called in the last Scottish Army: presently the Blood-

Hamilton overthrown.

See my 1. part. sect. 136.

Sect. 110. III

hounds of the Faction in the House vented this, and called upon *Wayre* to know whether he named any? *Wayre* Answered, that *Hamilton* was a subtle, politique Lord, and no doubt (for the saving of his own life) would doe that in more convenient time. Hereupon a Committee (all of Canibal Saints) was presently packed, and ordered to go downe and examine the Duke, but no particulars could they get from him: which was an honourable silence, and made amends for his former lavish speech. It was happy the Prince did not trust himselfe in the Head of this Army. Had *Hamilton* marched immediately to *Colchester*, or but to *Pontefract*, (which he might easily have done, *Lambert* his onely Opposite still retreating before him) the whole Country had risen with him. But he knew the Presbyterian party had rendered themselves contemptible, and he as much contemned the Independents, therefore he foreshewed his march. willing *Cromwell* and *Fairfax* should subdue all other Parties, and that he onely might have Armes in his hands to bring in the King upon his own terms; this over-confidence undid him: He was too much a Statesman, and too little a Souldier.

4. This Victory did work like Botled-Ale with *Scot*, *Thomson*, *Ornelias Holland*, *Sir Henry Myddmay*, and many others of the high er, headed Saints, who were so puffed up with the windiness of it, that they began to swell with disdain and malice against the Personall Treaty, and to threaten and insult over all that had either petitioned for it from abroad, or spoke for it in the House, as the onely means for peace and a settlement.

5. But the wiser sort (more crafty to do mischief) knowing, that the people were weary of Taxes, and the Army, and had no hopes of peace but by a Personall Treaty; and were resolved to purchase peace, although at the price of a new Warre: that *Colchester*, *Pontefract*, *Scarborough*, and a Castle or two in *Kent* were not yet reduced, the people in *Wales*, *Kent*, *Essex*, the North, not yet settled in such a calme, but that a new storme might arise: a considerable party of the *Scots* yet unbroken in *England*; and fronting *Cromwell* and *Lambert*, under the command of *Monroe* a daring, knowing, and uncorrupted Commander; *Scotland* it selfe not yet assured to them: and above all, the Prince of *Wales* with a strong Fleet at Sea, likely to raise new tempests at Land, had

The insolvency of the schismaticall Members upon report of this Victory.

The wiser sort subtly continue a mock-Treaty.

had he landed some men in Kent or Essex, to gather up the malecontents there but newly scatered and broken, and ready to adhere to any party to defend themselves from the fury and rapines of their Committee; *Warwick* but a fresh-water Admirall, lying in the *Tbames* under protection of the Block-houses, and relying upon Land Souldiers to awe the Mariners from mutinying; a cloud arising in *Ireland* ready to breake into a storme: upon these considerations, the Caball or close Juncto of Grandees thought fit to dally on the Treaty, the better to keepe the Prince quiet, in expectation thereof, and gaine time to worke upon his Sea-men, (already corrupted with want of worke and pay) and to gull and pacifie the rest of the Members and People (not patient of a sharper remedy) untill *Oliver* had quite finished his Northern worke and marched neerer *London*, *Colchester* reduced, and the Princes Fleet retired to Harbour to avoid Winter; and then to breake off the Treaty, and purge the House of those Members that sought Peace by an accord with the King, under the notion of the King's corrupt Party, to blind their eyes therefore, the Speaker *Lenthall* (though at this time the Fore-man of *Oliviers* shop) when it was debated in the house, Whether a Treaty should be had with the King in the Isle of Wight upon the Propositions of Hampton Court? The Question much opposed, and at last put, the Noes and the Yees were equal, 57. to 57. in so much that the Speakers voice was put in to turne the scale, he gave his voice in the affirmative, that time following his conscience against his Interest, and my Lord *Say* (openly in the House of Lords) said, God forbid that any man should take advantage of this Victory to breake off the Treaty: and the Armies Scout, from Tuesday Novemb. 14 to Novemb. 21. 1648. propounds three Riddles to the Reader,

1. Why the Grandees of the Junta that use to rule the Army are the most active Solicitors for an Agreement of the Parliament with His Majesty when the Army are Aiking to the contrary?
2. Why his Majesty stumbles only on the matters wherein the Presbyterian interest are concerned, when that Faction is the only visible prop to his life; Crowne, Dignity, and dying interest?
3. Why the Souldiers Petitions for Justice upon his Majesty were ill regarded, and they thought worthy to be Tried by a Councell of war, as Offenders, yet a Remonstrance was then framing by the Grandee Officers to the

same purpose, and much more against the present Authority? and in this the General concurs.

The next thing taken into consideration in relation to the Treaty, was, the giving new Instructions to Hammond the Head-Goaler, how to demean himselfe in the Treaty; which had formerly been Voted to be in the *1st of Wight*, with honour, freedom and safety to his Majesty: The Instructions were, 1. That the King should enjoy the same liberty during this Treaty that He had at Hampton-Court. 2. That no Person excepted out of mercy, none now Imprisoned by the Parliament, nor none now in actual Armes against the Parliament should be admitted to come to the King. 3. That no foreign Agent should make any Adresse to Him without leave of both Houses. Against these Instructions it was argued, That some of them contradicted the former Votes. 1. That the King should Treat in Honour and Freedom, and that he should enjoy the same Liberty He had at Hampton-Court, which could not be so long as He was denied to correspond with other Princes his Allies (with whom he was in league and amity) by their Ambassadors & Agents, a Royalty inseperable from the Crown, allowed Him at Hampton-Court, and to deny it was implicirely to dethrone Him. To which was Answered, That this was true of a King in actual exercise of his Regall power, which this King neither is, nor ought to be untill He hath given satisfaction to His Parl: That it was a great condescension in them, and below the Dignity of a Parliament to recall their Votes of Non Adresse, and put the businesse of the Treaty thus forward; and if He would not accept of a Treaty upon such conditions as the Parliament thought fit then things would be but where they were. The peaceable moderate party perceiving what operation the Scottish Victory had already upon the fancies of those hot-headed Men, knew they must speake mannerly and modestly for fear of correction, and must take what they could, since they could not have what they would. 4. That the King should give His Royall word not to remove out of the Island during the Treaty, nor in 20 dayes after, without consent of the two Houses: this was to make his chaines a linke or two longer, yet the King did give his Royall word accordingly.

Thursday Aug. 24. a Letter came to the Committee of Safety at Derby-house from the Earl of Warwicke, complaining of the perversenesse

6. New Instru-
ctions to Ham-
mond in order
to the Treaty.
Sec. 132.

24 Aug. 1648

The Earle of
warwicks Let-
ter to Derby-ho-
se complaining of
his Sea-men.

perversen esse of his own Seamen, and that those with the Prince would not yet stoop to the Gods of Gold (his owne words) That some other way must be thought of besides force to undermine the Prince, that since they had subdued their Enemies by Land, it would be a good preparative to worke upon their Enemies by Sea with the same Engine. You see these Saints having gotten the publique Purse into their hands, are (at the peoples costs and charges) bountifull Corrupters of other mens faith, having none of their owne.

About this time a new kind of pick-lock was invented to open the iron Chests and Counter Boards of the City; and invite them to throw more money after that they had cast away already in purchase of Bishops Lands; namely, a Committee to consider of a way to secure unto the Purchasers the Money they had already disbursed upon the said Lands; and to remove all impediments in the Sale for time to come. To which Col. Harvey said, That he had experience in the late defection of the City; that the Men most backwards in the Parliaments service, were such of the Presbyterians as had no engagement upon Bishops Land; whereas others of the same Party that have interest in the same Lands, are as forward as any the best affected. Here you see what it is that chaines the affections of the City to this Parliament, and what it is that divides them amongst themselves; self-respects makes them run along blind-fold with the Grandees in any designe or faction. A good bargain makes a bad Man; Harvey needs no other president but himself, nor no more visible monument then his exceeding cheap bargain of Fulham-house and Manour, which hath changed him from a furious Presbyter, to a Bedlam Independent.

About this time it was Ordered, That Commissions should be issued forth into the Northern Counties, to enquire what Damages they have any waies sustained by Hamilton's Invasion? This device was of a twofold use. 1 To cut off the Scots demands for money due to them for their last Brotherly assistance, and otherwise 2. To cajole the poor Country into a belief they shall have reparation against the Scots and raise them into a clamorous complaint against the Scots; and at last a deadly fende when they shall find their hopes denied by them and disappointed. In the meane time they are patiently eaten up with Taxes and Free-quarter, and while they looke for what

8.

A Committee to make effectual the Sale of Bishops Lands; and cajole the City

9.

A Commission into the North to enquire what damages they have sustained by the Scottish Invasion.

they shall never have, they lose what they have already. This was the much applauded invention of Master St. Johns of *Lincolns-Inne*.

10
Colchester sur-
rendered, with
the sequels
thereof.

About this time the newes of the Surrender of Colchester inflamed the Antimonarchicall faction from a Fever to a frantick Calenture. They yielded to *Mercy*, and within 4 howers after Sir *Charles Lucas* and Sir *George Lisle* (for the better explanation what Independent Mercy is) were *Shot to death*; some attribute it to an old quarrell between him and Generall *Fairfax*, others thinke it was done to put an affront upon the King and the Treaty: Colonell *Farre* was likewise condemned by the Councell of Warre at the same time, but is reprieved as a witnesse against the Earle of *Warwick* when time serves; for when *Warwick* long since waited at the Commons Dore with some Ladies to petition for a Reprieve for the Earle of *Holland*, a Souldier of the Guard insolently told him, *he had more need Petition for himselfe*.

11
Instructions
for the Com-
missioners to
Treat with his
Majesty.

Instructions for the Commissioners to Treat with the King were debated: The Independents propounded, *That those Propositions that were most advantageious to the Parliament should be first debated, and if the King did not confirme them all, the Treaty to breake off*: But it was held unreasonable in any Treaty, *that one Party should bind himselfe before the Conclusion, and leave the other at Large, and himselfe in the lurch*; so it was Ordered, *they should be Treated of in order as they lay, and (according to his Majesties desire) nothing binding to either party untill all was agreed of*. The next stumbling block cast in the way was, *that seeing 40 daies only were allowed for to Treat, that they should limit how many days (and no more) should be spent in Treating upon every severall Proposition*: But this was looked upon as a cavill to make void the Treaty, and so overruled; you see what use these men that gaine by War make of their Victories.

12
A debate whar
Gentl. should
be allowed to
attend his Ma-
jesty in the
Treaty

The next thing debated was, *the List of such Gentlemen as were named to attend the King in this Treaty*: the moderate party excepted against *Asburnham* (a great man with *Cromwell*) and *Legge*, as being prisoners to the Parliament: The Independents excepted *Dr. Sheldon*, *Hammond* and *Oldsworth*, for the same reason; but the next day the Speaker moved, *that Legge and Asburnham*

burnham: might goe to the King; and to satisfy such as had objected their Imprisonment against them, the Independents alleged they were unduly imprisoned, and moved, a Committee might be appointed to examine the cause of their Restraint: but the moderate alleging the same reason for the said three *Doffers*; and making the same motion for them; there was no farther proceedings therein.

Thus farre I have breifly set downe the preparations towards a Treaty; the Treaty it selfe betweene the King in the *Ists of Right*, and the Parliaments Commissioners; their Reports of the Results to the Houses; and the Houses Debates and Votes upon them took up almost all the time untill the 6. *Decemb. 1648.* (some few busineses of no great moment intervening) many imperfect and partiall Relations of them have been printed *cum Privilegio*; but Mr. *Will: Pryn* in his excellent Speech made in the House of Commons, *December 4. 1648* and since printed, hath set downe all the most materiall Arguments on both sides, with great candor and ingenuity; and hath confuted the Enemies to peace and Accommodation; if strength of Reason can confute those men that follow onely their own Interests of power and profit, whose wills and lusts have alwayes been their owne Lawes, and are now become the onely Lawes of this Conquered Kingdome; I love not *iduum apere*; I referre my Reader therefore to his Speech, and will only trouble him with some Observations upon this Treaty.

I have said something of the *Militia*, and the Kings *Negative Voice*, in the 13. part of this History, especially in the *Conclusions* at the latter end; I will onely say that without them the King cannot be a Governing King, but a bare Titular King, a picture, a shadow, because the protection of the People depends upon the power of the Sword: He cannot protect them and their Lawes with the Scabards; The Authority of the Scepter follows the power of the Sword; wherefore to give away one, is to lose both; nor can the Subjects be any longer His Majesties Subjects, but Slaves to their fellow Subjects, when so many petty Kings (not authorized by any Law of God or Man to protect the people) shall hold the Sword over their Heads, and distract them with different Opinions, disagreeing Commands, according to the

13

Master *Pryn*s Speech in the House; proving the Kings concessions to be a ground for a settlement.

4 Dec. 1648.

14.

The *Militia*, and *Negative Voice*, sect. 62, 63, 64, 106. & the *Conclusions* 15, 16, 17.

1. part. sect. 40.
41. 42.

the variety of their severall lusts, factions, and interests : how can the King according to his Coronation Oath and duty (to which God hath called him) Govern and protect his people, when he hath given away his Sword to a factious Parliament, where one party tirannizeth over the other, and threatens the other with the longest Sword? how absurd and impossible it is for the Subject to expect protection from one hand, and to swear and pay Allegiance to another hand that hath divested it selfe of all power to protect them, let our Lawes, the practice of all Nations and times, and the judgment of the learnedst Polititions tell you, whose Maxime is, *Illa optima est Respublica ubi Princeps quàm maximum potest boni, & quàm minimum mali; Primò ne nova Tributa indicere, nova vectigalia constituere possit, inconsultà Republicà: Deinde legum condandarum anti quandarumque pœnes Rempublicam, non unum aliquem Magistratum esse debet potestas; nulla enim in re gravius peccatum admittitur, nusquam graviore turba minantur quàm hesse de rebus; That is the best forme of Government, where the King can doe most good, and least evill.*

1. Let Him be disabled to raise new Taxes, and lay on new Tribute.
2. Let Him not have the sole power to make or repeale Lawes, which ought to belong to the Common-wealth; not any one Magistrate; for no power is more hurtfull to the people, nor stirs more Commotions then these two: such is the Kingdome of England; the King hath neither the power of our purses; nor the changinge of our Lawes in his hands, and if he give away his Sword, he will be such a King of clouts as can do neither good nor evill, like *Rex Sacrificulus* at Rome, *ea summa potestas dicitur, quàm secundum Leges non est major neque par;* such was the Dictator at Rome, he had no equall there; *Papir cursor dictator*, adjudged to death his Generall of the Horse *Fabius*, for fighting against his commands though prosperously; and rejected all appeale to the Senate and tribunes of the People; yeilding at last only to their prayers, with this saying, *Vicet tandem imperii majestas*: such is the King of England, the Common-wealth cannot compell him to grant a Pardon, or dispence justice or mercy as they please; the Oath of Supremacy calls him *Supreme Governour in all cases, over all Persons*, so do all our Statutes, to whom in Parliament (which is his highest sphere of Majesty) is the

the last appeal by Writ of Error, who is *Principium, caput & finis Parliamenti*, the beginning, head and end of the Parliament, and therefore he onely calls the Parliament, to advise with him, and dissolves it when he is satisfied: He makes Warre & Peace, and is Protector of the Lawes, and of all just Interest; onely the policy of the Law disables him to make, repeale, or alter Lawes, or raise Monies without consent of both Houses by Bill passed; (which is but an *Embryo* untill he quickens it by his Royall Assent) because this way the King may doe most hurt, and wrong to his people, (as I have already said) it being the wisdom of our Lawes to keep the Sword in one hand, and the purse in another.

See the 1. part
of this History
Prolegomena.

The 1. proemiall Proposition for justifying the Parliaments Cause and Quarrell, and condemning His own Cause and Party, was a bitter pill; but an earnest desire of peace sweetned it, and guilded it over, and invited him to swallow it without chawing or ruminating upon it: but how devilish, unchristian, and illegal a use the Faction have made of this extorted confession, let God judge.

15
The 1. Proposition for justifying the Parliaments, and condemning his own quarrell.

Their insisting upon it, that the King should take the Covenant, was an error in policy, whereof the rigid Presbyterians are guilty; they (supposing the King would take it at last) stood upon it, and intended thereby to joyn the King to their Interest and Party. The more subtile Independent knew the King would not, nor could not take it; and therefore complied with the Presbyterians in obtruding it upon him, to break off the Treaty: many things in the Covenant were vaine in the Person of His Majesty, as that He should swear to maintain His owne Person, &c. which the law of nature binds him to without an Oath, which in this case is idle, and a prophaning of Gods name: some things in the Oath were contradictory to what the Parliaments Propositions desired of him, to maintain His owne Authority in defence of Religion, Lawes, and Liberties, which was impossible for Him to doe untill he kept the *Militia* in his owne hands, and his *Negative Voice* also, which that clause in the bill of *Militia*, That all Bills for leaving Forces should have the power of Acts of Parliament without the Royal Assent, &c. would have deprived him of, by making their Ordinances Acts of Parliament in effect, binding

16
The Covenant endeavoured to be put upon the King.

binding to the Persons and Estates of the People in an Arbitrary way, to their utter enslaving: *To swear to Admit Bishops &c.* was against his Coronation Oath; *To swear to extirpate Heresies, Schismes &c.* is more then the Independents would permit: *To swear to maintain the Union between the two Nations*, which the Parliament declare already to be broken by the Scots Invasion, is vaine: besides, how unjust a thing was it to impose that Oath upon the King, when most Members of the Parliament, Army, and others, are left at large not to take it? The Parliaments Demands, *That the King should declare against the Marquisse of Ormonds proceedings; to unite all the Interests of Ireland for the service of his Majesty*, was no part of the propositions upon which the Treaty was begun, but a subsequent request upon an emergent occasion, and therefore I see no reason why the King should have given any Answer to it, but only have held himself to the originall Propositions, yet he did Answer, *That the whole business of Ireland was included in the Treaty, and therefore a happy Agreement thereupon would set an end to all difference there*, which being voted unsatisfactory, and moved that a new Declaration might be published against him; the King was enforced to put a stand to the Marquesses proceedings by his Letter, to his great prejudice: yet these Declainers against him do now comply with *Owen Roe O'neale*, and have entertained *O'Realy*, the Popes Irish-Vicar-generall in England, to negotiate for the Irish massacring Rebels with the Parliament. These things considered, prove what I find in our late King *Charles* the 1. most excellent Book, Chap. 18. *That it is a Maxim to those that are Enemies to peace, to aske something which in Reason and Honour must be denied; that they might have some colour to refuse all that is granted.* More observations upon this unlucky Treaty I will not trouble my Reader with, these being enough to shew the vanky of those Propositions; by these he may take a scantling of the rest, *ex pede Herculeum*. I cannot but blame the indiscretion, if not the indisposition of those Commissioners who cavilled away so much time in the Treaty, untill *Cromwell* had done his worke in the North, and marched up to Towne to make the Treaty ineffectuall.

About the latter end of *Octob.* 1648. Col. Jones sent winning Letters

17
Jones com-
plains by let-
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was like to be
lost.

Letters from Dublin to the Secretaries at Whitehall, complaining that *all Ireland was like a wife and daughter to the Kings Interest*; and therefore he cried for help: but neither the said Committee in their consultations, nor the Army in execution of what was resolved could agree amongst themselves: The Engrossers and Monopolizers of Olygarchy into a few hands, desiring to make themselves a Corporation of Tyrants, suspect an opposition from the Levellers; and would faine turne them out of the Kingdome, into Ireland, to seek their fortunes, and practise their Levelling Principles in a strang Land: The Levellers (more numerous in the Army, though less numerous in the said Committee) straine courtship with their betters, and would have them goe first: thinking the seeds of liberty and equality will prosper better in the soyle and ayre of England; while they were disputing, if Marquesse Ormond had been asking (as he had been, had not the King been necessitated to regard him, by his said Letters, sent from the Isle of Wight during the Treary) the King had recovered that Kingdome intirely to himself, which had been of great advantage to him.

The 20 November 1648. Col. Ever, with seven or eight Officers more. Presented at the house of Commons Barre a thing called (by those that use to miscall things) *A humble Remonstrance of the Army*: it is founded upon these five Anarchical principles, 1. That themselves and their faction only (whom they call exclusively, the well-affected, Godly, Honest Party, the Saints) are the People of England; all the rest but Philistines, Amorites, or (as the heath) but Gibeonites. 2. That their interest only is the publick Interest of the People. 3. That the People (that is themselves) are the only competent Judges of the peoples safety (contrary to the Lawes and practise of all Nations, which bestow that prerogative only upon the Supreme Magistrat) but it may be here lies hid another subsequent principle, *That they are the Supreme Magistrate, armed with supreme Authority, as well as with their swords*; and hereupon, they as good as tell the House, *That if their supposed dangers be not removed; and those remedies which they Remonstrate admitted; they shall make such appeals to God (that is their Sword) as formerly they have done*. 4 Principles is consequent to the 3. *That they may drive on their designe* (upon pretence

The Remonstr.
of the Army to
the House of
Commons,
Nov. 20. 1648.

of necessity, self-preservation, honest intentions, providence, or revelation) against all powers, Forms of Government, and Estates whatsoever, under colour of that much abused Maxime, *Salus Populi Suprema Lex esto*, the safety of the People is the Supreme Law; which hath been the fruitful Mother of many Rebellions in all Ages, to serve the corrupt ends of ambitious Persons; who usually fish in troubled waters to attaine to those ends which they could never arrive at in settled Government. This is a Principle or new light discovered by Major Huntington, *That it is lawfull to passe through any formes of Government, for accomplishment of their ends; and therefore either to purge the Houses, and support the remaining Party by power everlastingly, or put a period to them by force;* and themselves imply as much in this Remonstrance, p. 43. saying, *It cannot be safe to accommodate with the King, because if He returne, and this Parliament continue long and unlimited, He will make a party amongst them; He hath bid fair for it among the Commons already, and the Lords are his own out of Question; and therefore we dare not trust the King amongst them.* Again they say, *That if the King come into the Parliament, He will be looked upon as the Repairer of Breaches, Restorer of trade, peace, plenty, &c. and if the Army should keep up (as it must) upon Taxes, the Houses and Army will be looked upon as Oppressors, and the jealousies & discontents of the people be increased against them, and make them apt to joyn issue with the Kings interest, and may yeild us up a sacrifice to appease the King and his Party;* out of these words, and their own practice, I conclude for them, *ergo*, They may carry on their Designe, upon necessity for self-preservation, against the Monarchicall Government, and Law of the Land, to murder the KING, as they have since done. Again they say, *If the King were returned each Party would strive first, and most to comply with Him, ergo*, there is a necessity to subvert the Kingdome and murder the KING. Behold what use these cowardly Saints make of necessity, and self-preservation. 5. *That they may appeale to their Sword against the Authority of any their Governours, in order to publike safety;* which two last conclusions for the doore wide open to Faction and Rebellion: since the People are ever floating and given to change, & every turbulent ambitious fellow is apt to raise them into a storme against their Governours; for their

their fabulous assertions, whereas with these Saints usually guild over their foul actions, 1. That the House were free when they passed the 4. Votes for Non-Addressers. 2. That they were not free when they recalled them. 3. That the People were quiet and contented until the recalling those 4. Votes, and afterwards were misfed, and presented clamorous Positions. 4. That the Army did not apply themselves to the King until he proffered Himself to them. 5. That when they made Addresses to him, was but to prevent the Presbyterian Party. But it appears, their ayne (from the beginning) was to suppress the Presbyterian, and advance their own party, and lay by the King, and dominion over Him, and the Kingdome; for when Cromwell had brought his Designe to perfection, he said at Kingsbury, That he was as fit to rule the Kingdome as Hollis. 6. And then but hypoctically. All these are sufficiently confuted in my said Animadversions, and in the said Plea for the King and Kingdome, in *Poetney Projects*, and in my *First part of the History of Independency*. After all this tedious stuffe aforesaid, they make propositions to the Parliament of two sorts, all founded upon the said five Antimonarchical Principles; The first for *satisfying publique Justice*, (that is, for the Hang-man to reach the Judges who they shall Sentence to execution). 1. They demand, *the Person of the King may be brought to speedy Justice*; this affront they put upon the Parliament when they were neer conclusion of their Treaty with Him: when He had already granted more to his Subjects, than ever any King condescended to: this is through the sides of the King to give Monarchy, the fundamentall Government, and Lawes of this Land, and consequently the Liberty and Property of the People, their Deaths wound. By the Law of God, nature, reason, and the Lawes of all Kingdomes impunity is an inseparable prerogative of Kings, as they are Supreme in their Dominions; the *Petition of Right*. 3. *Caroli*, Declares That they had no Power to *hurt the Kings Prerogative*, much less (I think) to hurt his Person: the Lawes are the Kings Lawes; Courts, the King Courts; Judges his Judges; Great Seale, his Seale; the Writs, the Kings Writs. *Plea of the Crowne*, l. 1. ch. 1. 2. Stat. 25. Edm. 3. 42. E. 3. Read Mr. P. *7th Memoriall* parliamentary Junto his Speech in the House of Commons, 4. Dec. 2. 72. 73. 74. and my 1. *part*. sect. 106. The Conclusion of sect. 17. and my *Animadversions* p.

The Kings Supremacy; and from thence his indemnity proved;
See the Oaths of Allegiance
Supremacy
Stat. of Recognition, 1. *Fair-Cotes*
Institutes, s. 1. *Stamford's*
to the un-
7. 7. 7. 7. 7.

* 1 Pet. 2. 13. Here the King is called *Supreme*, not the *People*; and though said to be an ordinance of man in some respects, yet St. Paul, Rom. 13. saith, He is ordained of God: 2. *Governours* are distinguished, the King is *Supreme*, and *Governours* are sent by him, & his Commission. Besides it appears, Gen. 3. 16. & 4. 7 God gave not to all men that freedom which is supposed the foundation of supremacy in the people; He made them not masters of their own liberty, for even then he laid the foundation of obedience in *Adam* to *himself*; & to *Adam*, if a people choose a King, it is the act of every particular man, of whom the Community consists; and each individually, not the whole Community can give him more power than himself hath. But no man hath power over his own life, neither arbitrarily, nor judicially; but only over his liberty, which he may so give away, as to make himself a subject, or a slave, this makes him so chosen a Ruler, or Protector of them, who have parted with their liberty, and subjected to him; and then God, who only hath power of life and death, invests the King with powers to be the Minister of God; to execute vengeance not bearing the sword in vain; Rom. 13. See Dr. Hammond's Letter to the L. Fairfax Jan. 5. 1648

the Justice and Peace of the Land are his; consequently the Wars his Wars; he is the fountain of all Authority as well as of all Honour; *Thou shalt not speak ill of the Government of the People*; therefore not accuse him. The King hath no Superior nor equal in England, contrary to that false distinction of the *Observer*, that he is, *Major singularis, minor universis*. When David would have gone forth to Battle, his Army dissuaded it, using these reasons, *If we flee they will not care for us; neither if we die, will they care for us: But thou art worth ten thousand of us*: here you see the King is reckoned, *Major universis*, more than all his Army; and yet that Army was (at that time) in effect, all the well-affected of the Land; and therefore (by the *Archbishop's* Principle aforesaid) the only People of the Land; for further prooffe herof, I appeale to all our Lawes and Statutes, how will they Tria him? who shall Judge him? who are his Peeres, that he may be Legally tryed like a Freeborne man (for sure they cannot deny him that right) according to *Magna Charta*, per totale iudicium parium suorum. It is a grounded Maxime in our Lawes, *The King can do no wrong*; wherefore then will they Tria him, for doing no wrong? The policy and civility therefore of our Lawes, (and of our Parliament to in all their Declarations, Remonstrances, so long as they continued in any state or degree of innocency) alwaies accused his Evill Counsellors and Ministers, and freed Himselfe, lest they gave advantages to ambitious men, *Absolon-like*, to scandalise and dishonour him; and render him low and vilde in the eyes of the People; to the disturbance of the Peace of the King and Kingdoms, and shaking of the Royall Throne which is alwaies accompanied with an earthquake of the whole Land. * Saint Peter bids us, *Submit to every ordinance of man for the Lords sake; whether it be to the King as supreme, or unto Governours, as those that are sent by him,*

As free and true men, your liberty for a cloak of maliciousness, but
 For God, Honour the King: But these rebellious Sinners abusing
 Christian Liberty for a cloak of maliciousness, will (according to
 their un-Andromonarchical Principle) make the giddy, ignorant,
 common, many-headed multitude Judges of their King, and
 make the confused Rabble his Superiours, thereby setting up two
 Superiours one contradictory to the other, and to turne the King-
 ly Government into a popular Military Government, abolish
 our Lawes, and leave all to the power of the Sword in an Arbi-
 trary way, to carry on their designe; to which purpose they have
 lately caused their Journey-men, the present House of Com-
 mons, to Vote, (Contrary to our known Lawes) That the Su-
 preme Authority of this Nation is in the People of England, and
 therefore in themselves as their Representative. This is a 3^d A-
 narchicall Principle of the Army and their Party, who wanting
 reason to prove it, assert it by the Authority of their Mock Par-
 liament, and must now make it good by the Sword to justify
 their proceedings against the King and People. These popular
 principles are meer empty notions, whereby the Grandees draw
 the supreme Authority thorow the People to themselves, the
 better to enslave them; for the liberty of the Commons doth
 not consist in a licentiousness to interrupt the Government of
 their Superiours, and change the Government according to their
 fancies; but the liberty of the People consists in enjoyning the
 fruits of their labours, their goods, possessions, estates, and their
 personall liberty, according to the known Lawes of the Land.
 When Harry Marten in 1641. forbade the People to stand bare
 in the Sessions, and to homage and fealty to their Lords, he galled
 them, and gave them that which was not their due, to rob them
 of that which was their due, their Horses, Goods, Money, plun-
 dered from them, for service of the State (Postchoy) and bear
 them that defended their own, so that while he flattered them
 to be the supreme Authority and Lords Paramount, and the Par-
 liament to be their Servants; he used them like Slaves conquered
 by the Parliament. Besides, it is not all the People, nor the thou-
 sandth part of them, but a few covetous, ambitious men, that de-
 sire to bring the King to capitall punishment, and subvert our
 fundamentall Government and Lawes, that have usurped the
 power

power of the Kingdome into the hands of their Faction, and now require this to keep themselves from being called to account. The second demand tends to Disinherit his Posterity; viz. *That the Prince and Duke of York come in by a day appointed, and acquite themselves of their capital Delinquency, or else to be Declared incapable of Government, and to die without mercy if afterwards found in the Kingdom;* this Summons is but to intinate their guilt; if they refuse to appeare, as reason tells us they must and will. This is to shut the dore after Monarchy, and keep it out for ever; in farther pursuance, they demand the Revenue of the Crown to continue still in Hucksters hand to pay publique Debts, and repair the Losses of the People, (that is) themselves. The second sort of Propositions are, for settling of the Kingdom upon their owne Grounds and Interest. 1. *That a certain period be set to this Parliament, by which time the Supreme trust in them may returne unto the People:* that is, still to themselves and their Faction, the new erected Committee of State, the hogen mogens at Whitehall. Thus you see having removed out of the way the King, the first and most visible legall Authority; they will now put downe the Parliament, the second visible Authority of England, who are now the onely Bulwarke against the Tyranny of the Sword, and then (as Major White said at Putney long since) there will be no visible Authority left in England but the power of the Sword, which wil introduce a new Parliament, or rather fantastickall new invented Representative (destructive to Parliaments) all of their owne Creatures; as appeares by their next Proposition, concerning succession of Parliaments. 2. *That none shall be capable of electing, or being Elected, that have engaged against the publique Interest* (that is, the Interest of them and their Party, as appears by their 5. Anarchicall Principles in the beginning of this Paragraph) *nor any that oppose this Agreement:* By what Authority (but the arbitrary way of the Sword) shall Freemen be Distranchised, & lose their Birth-rights for not changing the fundamentals of Parliaments, Government, and Law, and

This is so explained by the Moderats (one of the railing Pen-men of the Faction, who hath a large share in the 500, or 600

li. a year allowed to these Pamphletiers, for divulging State lies and slanders amongst the People) who from Novemb. 14. to Novemb. 21. 1648. (Number 19.) defineth the People of England to be only such as have not engaged for the King; and such as shall signeto the Agreement of the People, which is to be above law; and all the rest are to be Distranchised.

yeelding

yeilding them up to the lusts of an Army of Rebels, that bragge they have Conquered the Kingdome, and wee are their slaves ;
 3. That elections may be so distributed, as to render the House of Commons a Representative of the whole People, (that is, ragge and ragge and Canting Beggars, who have nothing to give or lose, as well as Free-holders) so farewell Writs of Summons, and all orderly, legall forms ; if all men, without any distinction, may Be-lect, and be Elected, all will fall into confusion; the rabble will never agree, all things will tend to Riots and Tumults ; so that the better and soberr sort will, and must forbear, and leave all in the hands of the Rascality, and at last no Representative will be chosen; or such an one, as the People will be ashamed to own, and will desert them, and leave them to be ordered at the pleasure of the Army. 4. Prop. That our Kings hereafter may be Elective, and disclaime a Negative Voice: how frequent Civill Warrs are in all Elective Kingdoms during the *interregnum*, or space between the death and the old, and choise of the new King, how obnoxious to the souldiery, let the old Emperours of Rome, those later of Germany, the Kingdome of Poland, and heretofore Bohemia and Hungary tells, all Histories are full of examples ; yet if our Elective Kings shall have neither the Militia, nor a Negative voice in Councells, and the Crown Revenues be otherwise disposed of (as is inserted) and their Heads exposed to the humours of the People, or their Representative, the Office will be so unworthy of any wise man, that I do by these presents freely give my voice to the Lord Fairfax, and so unfit for any honest Gentleman ; that I doe hereby give my voice to Cromwell the perfidious Brewer, catch who catch can, let them agree amongst themselves, I care not which of the two shall be set up for the new States Scar-crow. This Remonstrance was about a Week after seconded with a most insolent threatening Declaration, composed altogether to terror ; it was occasioned as followeth. About the latter end of November, the Parliament was informed the Army was upon their march to London ; whereupon (not without great opposition by the Armies Party in the House, and with great caution it should be mannerly phrased for feare of angering his insolency) a Letter was Voted to be sent the Generall, forbidding his neerer approach. In contempt whereof

the Army immediately printed the said Declaration, accusing the Parliament of *Breach of Trust; Lightness, Inconstancy, Indifference*, saying, *They would appeal from them to the People* (that is, kill themselves; you see they hold one and the same Rod over King and Parliament) and threatening to advance presently to Westminster to do what God should enable them unto: The same night they came to Hyde Park corner, &c kept Guards there: Hereupon it was put to the Question, *That the Armes approach was prejudicial to the freedom of Parliament?* but through the cowardice of some, whose hearts now began to melt, and the impudent restless bawling of those cheating Saints, that comply with the Army to keep themselves from giving Accounts, it passed in the Negative.

Dec. 2. The Kings Answer was debated; and as a prologue to it, young Sir Henry Vane (a Whelp of the old Curie) spake thus, Mr. Speaker, *By this debate we shall know who are our Friends, & who are our Enemies to speak more plainly. We shall discover who are the Kings party in the House, and who the People: To which was Answered, That since this Gentleman was so bold, to deal thus by way of provocation, in a threatening manner; and had fore-judged and divided the House into two parts: I hope it is as lawful for me (who am no Grandee, nor no Gainer by our troubles) to put you in mind of another Division of the House, Sir you will find some desirous of peace, and they are Losers by the War: Others are against peace, and those are Gainers by the War: My humble motion is, that the Gainers may contribute to the Losers, that we may all stand upon equal feet; for, till then, the balance of the Commonwealth will never stand right towards a settlement. True it is bitter fore. He and his Syre oppose peace: lest the Kings Revenue being restored, they should lose a good Trade there: the old Dogge is Chairman of that Committee; the young one is a principall Publican or Treasurer, they get copiously above board per annum, between them, besides private cheats by paying half Debts, and taking Acquittances for the whole; and then dis-counting for the whole; buying in old sleeping Pensions for trifles, that have not been payed in many years; and paying themselves all Arrears; Cornelius Holland is Servant to them both, and hath gotten as much wealth as make him swiney co-*

19
The Kings
Concessions
debated, and
young S. Hen.
Vanes info-
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nough to hire William Lilly, and other Palmistons to deliver his Pedigree from John Holland Duke of Exeter; although it be known he was originally a Link-boy, but he is now one of the New Lights, an illuminated Brother. Master Bryn moved the debate of the Kings Answer might be laid aside untill it was a free Parliament not envisioned by the Army: but (said Mr. Rich. Norton) Take heed what you say against the Army for they are resolved to have a free Parliament to Debate the Kings Answer, if we refuse.

This day the Generall took possession of *White Hall* for his Quarters, as if he meant to keep out the King in defiance of the Treaty: he brought to Towne with him four Foot Regiments, and six Regiments of Horse; part whereof quartered at *White Hall*, the rest in *York House*, and other great Houses. The Horse turned the Reformado Horse Guards that attended the Houses and lodged in the *Mews* by their order, lost of their Quarters, without applying themselves to the Houses.

Upon Monday, Decemb. 4. News came to the House that by severall Orders from the Generall, His Majesty was seized in His Bed-chamber, and hurried away Prisoner to Hurst Castle, a black house out of the Isle of Wight, standing about a mile and half in the Sea upon a Beach full of mud, and stinking out upon London; having no fresh water within two or three mile of it, bitter cold, & of a foggy and pestilence ayre, so noysome that the Guards there are not able to endure it long without spitting their Quarters. This was a torment beyond Pistol and Poyden, many spoke against the insolency of this fact, as being committed against the life of the King, and against the honour and publique faith of the Parliament, who had Voted, He should Treat in Honour, Freedom and Safety in Newport in the Isle of Wight; and had decreed His Royall Word not to withdraw out of the Island during the Treaty, nor in 20 dayes after (which were not yet expired) and now to have the houses debates and results for stalled, and the Treaty made frustrate by such an act of violence and prevention committed upon the Person of the King: was a presumptuous and rebellious act; It was moved therefore that he should be declared That his Majesty was removed out of the Isle of Wight by his Enemies, without the consent or privity of the house. But

20.
The Generall
Garrisons
Whitehall and
the *Mews* upon
his own head.

4 Dec. 1648.

21.
The House in-
formed that the
King was sur-
prized by the
Army, and car-
ried Prisoner to
Hurst-Castle.

those members that Idolize that Bell and the Dragon, the *Army*, and are but Priests sitting themselves for the sacrifices of that Image; insisted upon it to have two words mended in the Question, 1. The word [*Declare*] would be construed to be a Declaring against the Generall and Army: 2. The word [*Consent*] to be left out, least it argued a disagreement in opinion and practice between the Army and the House, as if the House dissented from it. And certainly those gentlemen that stood upon these niceties, could not say, it was don without their consent, for it was hatched in the Junto; so it was barely Voted, *To be done without privy of the House, nevertheless.*

The same day they resolved to resume the last Saturdayes debate upon the Kings Answers to the Propositions of both Houses; The first Question debated was, *Whether they were satisfactory or not* The Army Party Argued, *they were not satisfactory, because the King had not granted all their Propositions in Terminis.* To this was Answered, *That these Propositions were not sent to his Majesty as Bills to be passed in terminis, without debate; but as Propositions to be personally Treated upon,* (as the Votes of both Houses and the Instructions of their Commissioners prove). Now it is against the nature of all Treaties personally, to tie up the Parties of either side so precisely, that they shall have no liberty to vary in any circumstance or particular; so that if all be not precisely granted, the condiscensions shall not be satisfactory, though all just things are yielded to; as appears by all Treaties betwene Nation and Nation, where their first demands, are never fully granted, but always qualified and limited, if not diminished; the rule being, *Iniquum petas ut justum feras*; so in all Treaties between Enemies, Party and Party; see Mr. *Pyne's* said speech, Decemb 4. 1648. where to avoid cavils, he waves this equivocal Question, and propounds the Question anew in these termes, *Whether the Kings sinall Answers to the Propositions of both houses in this Treaty considered altogether, be not so full & satisfactory in themselves that this House may, and ought accept of, and proceed upon them for the speedy settlement of a safe and well grounded Peace both in Church and Commonwealth, rather then reject them as unsatisfactory, and so hazard the losse of all, and the perpetuall of our Wars and miseries?* This he held in the Affirmative, with so many

strong,

21
The debate
upon the Kings
Answers resumed.

strong and solid Reasons, Arguments and precedents both out of Divinity, Law, History, and Policy; and with so cleare a confutation of the opposite Argument, that no Man tooke up the Bucklers against him to reute him: the Arguments are too many, and too long to be here repeated. Nor doe I love to abridge that which hath little or nothing in it superfluous; or to make that short-lived by epitomizing it (such is the lasinesse of men to preferre Epitomes before Large works) which I desire should be long-lined and passe through many hands: This Debate lasted untill Tuesday morning 5. Decemb. eight of the clock (the Independants hoping to tire out and fright away the moderate men) and then it was resolved upon the Question (notwithstanding the terrors and menaces of the Army) *That the Answers of the King to the Propositions of both Houses, are a ground for the Houses to proceed upon, for the settlement of the peace of the Kingdome;* it was carried affirmatively by 140 voices, against 104 that this question should be put, and the question it selfe was carried cleerly affirmative without dividing the house: presently after this house appointed a Committee of 6 Members to attend the Generall, to conferre with him and his Officers, and keep a good correspondency between the House and the Army; who had so much furlly pride, and so little manners, as to give them leave to take a nap of three or foure howers long (after their Night-watching) before admittance, and at last dismissed them with this churlish Answer, *That the way to correspond, was to comply with the Armes Remonstrance:* The House Adjourned untill Wednesday following.

Wednesday, Decemb. 6. 1648. The Saints Militant being enraged that the House had recovered so much courage & honesty as to Vote according to their Consciences, and neglect their wild Remonstrance and threatening Declaration, (after some private conference in the morning between *Bride, Hufon*, and other Officers, and the Speaker in *Westminster-hall* with the doores shut) they sent to the House of Commons a paper, requiring that the *Impeached Members* to *M. G. Brown*, (who they belied to have called in *Hamilton* might be secured & brought to justice) & that the good & odde Members who refused to Vote against a heliate Scots *for Engagement*, and all that stood for recalling the *Q. Places* for non-Ad-

6 Dec 1648
33
The Armes.
reasonable
violence upon
the House in
securing and
secluding their
Members.

dress, and voted for a Treaty and answered in Yesterdaies vote
[That the Kings Concessions were a ground for the House to proceed
to a Settlement:] may be immediately suspended the House and that
all such faithfull Members who are innocent of these Votes would
by Protestation acquit themselves from any concurrence in them:
that they may be distinguished: This is to subvert the foundation
 of Parliaments, and appeal to the judgement of the many-headed
 multitude without doers, and put all into Tumults. You see what
 kind of Parliament the Kingdome hath had ever since the Army
 Rebelled and Refused to Disband, a meet Free-school, where
Cromwell is Head-school-master, *Incton* Viceroy, and (that cypher)
Fairfax a Propositor: surely these men are either the supreme
 Judges, or the supreme Rebels and Tyrants of the Kingdome:
 This Paper was delivered in, but they scorned to stay for an
 Answer, (by advice of their Independent Grandees of the Junto) upon
 Wednesday morning Decemb. 6. 1648. Sent two or three
 Regiments of Horse and Foot to *Westminster*, set strong Guards
 at the Houses dores, the Lobby staires, and at every dore leading
 towards the House, admitting none but Parliament men to enter
Westminster hal, where *Col. Pride*, *Col. Hewson*, & *Hardest* *Wal-*
ter (sometimes a Cavalier, then a violent Presbyterian, and now
 a tyrannicall Independent) violently seized upon divers Knights
 and Burgeses upon the Parliament staires and elsewhere going to
 the Houe, and forcibly carried them away Prisoners to the
 Queens Court without any warrant shewed, or cause assigned:
 and there set strict Guards upon them, *Mr. Edm. Stephens* and
Col. Birch being in the House of Commons were called forth
 by feigned Messages sent in by some Officers under other Mens
 Names, and there violently pulled out of the dore, though they
 called to the Speaker to take notice of the force: The House
 sent the Sergeant of the Mice to command the Imprisoned
 Members attendants, but the Guards would not let them come.
 A second time the Sergeant was sent with his Message upon the
 same Errand, but *Col. Pride* in the Lobby would not let him passe
 which contempt was entered into the Journall book. Hereupon the
 House concluded not to proceed in business, and all their Mem-
 bers were restored, and sent to the Generall about it, yet af-
 terwards when the Officers had severall dayes secured, secluded,

and

and frightened away more of the Members; and made the House a Conventicle of their own complexion, then the House prevailed and deserted their Members: About three of the clock after noon *Hugh Peters* with a Sword by his side, (but not the Sword of *Saint Peter*) came into the Queens Court to take a List of the Prisoners names by order from the Generall (as he said) where being demanded by what Authority they were Imprisoned he Answered, *By the power of the Swords Night being come*, the Imprisoned Members (41. in number) were conveyed away to a Villainish House call HELL, and there kept All Night without Beds, or any sitting accommodation; when it grew late some of them had orders made them to go upon their Pannels to their owne Lodgings, and so appear the next morning at *White-hall*, but this was but a juggling trick to make them acknowledge the Lord *Fairfax* Authority, and become voluntary Prisoners upon their own engagement; and was therefore refused. The next morning being Thursday the imprisoned members had warning given them to *wait the Generall and his Council of War at White-hall*, whither they were Guarded in Coaches, tyed out with watching and fasting: But the mechanick Council took so much state upon them, that after six or seven hours attendance untill dark night, and no admittance nor application to them; they were led away from thence on foot with Guards of Musketers like Thieves and Rogues, and thence to the kennels like Col. *Pride* Day-horses, to the *Swan and Kings-head*, two Innes in the Strand, and there distributed under severall Centinells: The four-diers making a stand with them sometimes half an hower together in the snow and raine untill they had put their Guards into a marching posture; and reviling them, that they were the men that had conspired the *Starve of their money*, and kept back their pay; Upon which scandalous provocation, some of them Answered, *That is was the Committee of the Army, and their own Officers that had conspired them*; which some of the Foot-Souldiers then acknowledged. Besides the 41. Imprisoned Members the Officers standing severall dayes with Lists of Names in their hands at the Parliament doore, have returned back from the House, and departed entrance into above 160. other Members, besides 40. or 50. Members who voluntarily withdrew to avoid their violence, all whom

See the 2. part of *Englands* Chains discovered; and the Hunting of the Foxes &c.

whom they know to be loofers by the war, and therefore desirous of a safe and well-grounded Peace; so that they have made War against the Majority of the House, (that is) against the whole House; for, *major pars obtinet rationem totius*, by all our Lawes and Customes, *the major part of the House is virtually the whole House*; which is Treason by their own Declarations and Remonstrance farre higher then that whereof they accuse the King, and for which they demand Justice against him: and the remaining faction of 40 or 50 engaged Members who now passe unpresidential Acts of Parliament of the House of Commons (as they call them) without the Lords, ought not to sit, Act, nor take upon them the stile of a House under so visible, actual, and horrid a force, both by the Lawes of the Land, and their own Ordinance, passed August 20. 1647. *To null and void all Orders, Votes, and Acts passed under the Tumult of Apprehensions, from July 26 to the 6 August following*; and yet the said Tumult ended the said July 26 when it began. See the said Ordinance herewith printed. The Army (who now acknowledged no power but that of the Sword (as Major White long since foretold at Putney) and whose principle it is, *To breake the Powers of the Earth to peices*, as William Sedgwick in his Justice upon the Army Remonstrance, saith: *And who (as Job. Lilburn in his plea for Common Right p. 6. saith) have by these extraordinary proceedings overturned all the visible supreme Authority of this Nation; now suffer only their own Party of 40 or 50 Members to sit, and doe journey worke under them, who are enemies to peace and have got well by fishing in troubled waters, and hope to get better*; so that hardly a seventh or eighth part of the Counties, Cities, and Burroughes that ought to have Members sitting, have any body to Represent them, and therefore how they shall be bound by the Votes and Acts of this fagge end, this Rump of a Parliament with corrupt Maggots in it, I do not see.

Friday, Decemb. 8. a Message from the Generall was brought to Sr. Robert Harlow that he might go home to his house, giving his engagement not to oppose the Actings and proceedings of this present Parliament and Army: The like was offered to divers others: you see hereby what the offence of these Imprisoned Members is, *only a feare that they will defend the fundamental Government, the religion, lawes, and liberties of the land, the Kings Person*

Person and Authority, and the being of Parliaments; against the Tyrannicall and Treasonable practices of the Army and this House of Commons.

The small remnant of the House of Commons sent sundry times to the Generall to know why he Imprisoned their Members, and humbly to beseech him to set them at liberty if he had nothing against them: But all this was but prevarication and false shewes for, 1. Their Base and conditionall way of demanding their Liberty [if he had nothing against them] implies an acknowledgment of the Generalls Jurisdiction and conuallance over them, and an invitation of him to accuse them. 2. Their sitting and acting under so brutish a force before their Members righted, or the honour of the House vindicated, is a deserting and yeilding up of their Members and honour. 3. Their Voting an approbation of the matter of the Generall Officers scandalous and juggling Answer to their said Demands concerning the secured and secluded Members (as afterwards they did) without hearing what the said Members could say for themselves, is cleerely a forejudging and betraying them. 4. Their late Votes, *That no man shall peruse their Journall Booke of Orders, &c. without speciall leave*: is purposely done to barre the said Members who cannot make any perfect Answer in confutation of the Scandalls cast upon them by the Generall Councells printed Libell against them, without having recourse to the said Book, to see what Votes passed for Ireland for the 200000 li. and other matters. To say nothing how unusuall and unjust it is to keep the Records of the House from the view and knowledge of any man, and yet to expect their obedience to them. 5. Their exceeding strict and severe prohibiting the Printing any Bookes not Licenced, and imploying Souldiers to Search all Printing Houses Dayly, is done in Order to barre the said accused Members from publishing an Answer in their justification. 6. Their Summoning Mr. Pryn by order to appear at the Commons Barre, knowing him to be still a prisoner to the Army, shewes, that the Army and they serve each others turns against them. 7. And Lastly, the Declaration of the present House of Commons, dated Jan. 17. 1648. is nothing but an echoe of the said Answer of the Generall Councell, against the said secured and secluded Members. They that are so wickedly and industriously de-

24
Reasons, proving that the remaining faction or Luato sitting under the force of the Army, were consenting to the securing & secluded their Members.
sect. 134, 135.

Grey these Gentlemen, besides, do this as a preparative to destroy their Persons, and seize upon their Estates for the maintenance of a new Warre, (which they foresee their violent courses will bring upon them) and for the farther enriching of themselves, and establishing their Tyranny, which they miscall *The Liberty of the People*. This violent purge wrought so strongly upon the House, and brought it to that weakness, that ever since it is eleven or twelve of the clock before they can get forty Members together to make a House, of which number they sometimes fail: one time the Members would have had the Speaker go on upon business with a lesser number than forty; but he knowing all so done to be illegall and void, refused; and yet (to peice up the House) they permit Mr. Blagrove, Mr. Frye, and Humphry Edwards to sit as Members notwithstanding their Elections are Voted void by the Committee of Elections: and one day an Officer of the Army having taken some Members going to the House, and secured them in the Tobacco-Room, under Guard; The Speaker not being able to muster enough to make a House, was faine to send to the said Officer, to lend him his said Prisoners to make up a Free Parliament: This disgrace put upon the Imprisoned Members is purposely intended as an levigation to all their Enemies to come in and accuse them; nay, it can be proved that means have been used to suborn Witnesses against them: besides which, the faction have made a strict inquisition into their lives and conversations, and have hitherto met with nothing.

Thus the House being thoroughly purged, the next day it comes the Doctor Oliver Cromwell out of the Countrey, bringing in under his protection, that sanctified Member Harry Martin, who had spent much time in plundering the Countrey, had often baffled the House, and disobeyed many of their Orders: sufficient to have made an honest man a Malignant liable to Sequestration: But great is the privilege of the Saints. It happened that day the case of the secured Members was reported to the House, which Harry interrupting, desired them to take into consideration the deserts of the Lieutenant Generall: which with all Devils diligence was presently done. And the Speaker moved, *whether it might be a day of Humiliation to be kept in the House as humbly the Spirits of the Giddy much overawed, with the sinners of the*

That

25:
The day after
the House pur-
ged in comes
Dr. Cromwell
& Hen: Martin
his Apothecary

That you may the better understand how false they mean to be humbled; *Hugh Peters* the Puritan Bishop was one of their Champions, who instead of delivering the Oracles of God, delivered the Oracles of the Council of Warre to them, talking obscurely of Accommodation and Moderation, and advising them to adjourne till Monday or Tuesday (I think) that the Army might cut out work for these Journey men of theirs; and might wake their wits upon the City in the meane time, when no House should be sitting for the Citizens to adresse their Complaints to; for in the interim they Garrisoned *Black Foyers* and *S. Pauls*, reforming it from the Church of God, to a Den of Thieves, Stable of Horses, and Brothell of Whores, and Robbed diverse Halls in London of vast summes of money by the prerogative royall of the Saints.

The 11. day of Decemb. 1648. the said secured Members published a Printed Paper, as followeth:

11 Dec. 1648

A solemn Protestation of the imprisoned and secluded Members of the Commons House: Against the horrid force and violence of the Officers and Souldiers of the Army, on Wednesday and Thursday last, the 6. and 7. of Decemb. 1648.

26
A Declaration
of the secured
and secluded
Members, a-
gainst the vio-
lence of the
Army.

WE the Knights, Citizens, and Burgeses of the Commons House of Parliaments, (above one hundred in number) forcibly seized upon, violently kept out of the House by the Officers and Souldiers of the Armie under Thomas Lord Fairfax, commanding this, to discharge our duties on Wednesday and Thursday last, being the 6. and 7. of this instant December; do hereby, in our Names, and in the Names of the respective Counties, Cities, and Burroughs for which we serve, and of all the Commons of England, solemnly protest and declare to the whole Kingdom, that this execrable force & open violence upon our Persons, and the whole House of Commons, by the Officers and Army under their command in marching up against their command and placing strong armed Guards of Horse and Foot upon them, without and against their Order, is the highest and most detestable force and breach of Priviledge and Freedome ever offered to any Parliament of England; and that all such Oppressions, Fines and proceedings of the said House made since the 6. of

Decemb. aforesaid, at hereafter to be made during our restraint and forcible satisfaction from the House, and the continuance of the Armies force upon it, are no way obligatory, but void and null to all intents and purposes: And that all contrivers of, Actors in, and Assistants to this unparalleled force and treasonable armed violence, are open enemies to, and professed subverters of the Privileges, Rights, and Freedoms of Parliament, and disturbers of the Peace and settlement of the Kingdoms; and ought to be proceeded against as such: and that all Members of Parliament and Commonners of England, by their solemn Covenant and duty, under pain of deepest perjury and eternal infamy, are obliged unanimously to oppose and endeavour to their utmost power to bring them to exemplary and condign punishment for this transcendent offence, tending to the dissolution of the present, and subversion of all future Parliaments, and of the fundamentall Government and Lawes of this Land.

All which we held it our duties to declare and publish to the World, for feare our stupid silence should give any tacit consent or approbation to this most detestable crime, and make us guilty of betraying the Privileges, Freedom, and Honour of this Parliament, to our perpetual reproach, and the prejudice of all succeeding Parliaments.

Dated at Westminster, Decemb. 11. 1648.

27

The same
Lords and in-
solent Com-
mons passe and
print a Decla-
ration against
the said Decla-
ration.

The said solemn Protestation of the secured Members being complained of, was sufficiently barked at in the House of Commons; and the Lords fell a barking at it too for company: and at last (that they might confute it with authority instead of reason) both Houses passed this following Declaration against it.

¶ The Declaration of the Lords and Commons: against the first Declaration of the secured and secluded Members

THe Lords and Commons assembled in Parliament, taking into their consideration a printed Paper, entituled [A solemn Protestation of the Imprisoned and secluded Members, &c.] wherein amongst other things, it is declared, That all Acts, Ordinances, Votes, and proceedings of the House of Commons, made since the sixth of this instant December or hereafter to be made during their restraint

restraint and forcible seclusion from the House, and the continuance of the Armies force upon it, are no way obligatory, but void and null to all intents and purposes: The said Lords and Commons doe thereupon judge and declare, the said printed Paper to bee false, scandalous, and seditious, and tending to destroy the visible and fundamentall Government of this Kingdome: and doe therefore order and ordaine the said printed paper to be suppressed; and that all Persons whatsoever that have had any hand in, or given consent unto the contriving, framing, printing or publishing thereof shall be adjudged, and hereby are adjudged incapable to beare any Office, or have any Place of trust or authority in this Kingdome, or to sit as Members of either House of Parliament. And do further Order and ordaine, That every Member of either House respectively now absent, upon his first comming to sit in that House whereof he is a Member, for the manifestation of his innocency, shall disavow and disclaime his having had any hand in, or give consent unto the contriving, framing, printing or publishing of the said Paper, or the matter therein contained.

their pulling downe tryalls by jury of 12 men, and setting up illegall High Courts of Justice, their usurping the Supreme Authority, their making Treason an Arbitrary crime, their erecting a Council of State, or how evensome, forty Tyrants in lieu of one King, their altering the stile of Writs and illegall proceedings, &c. Sentence given before any person accused or heard to speak for himselfe. On the brutish understanding of men whose fins and heares have intoxicated their Wits.

The 12. and 13. December the Commons (that they might purge their Journall Books of all state heresies, as well as their House or all State Hereticks) Voted this *Indict expurgatorius*, which in their own canting Language I here present to you.

1. Resolved, &c. That the Vote of this House, Jan. 3. 1647. for revoking the order, Sept. 9. 1647. for suspending Commissary Lionell Copley from being a Member of this House, is of dangerous consequence, and tending to the destruction of the justice and peace of the Kingdome; and is hereby repeated. The like for the rest of the impeached Members, *mutatis mutandis*.

2. Resolved, &c. That the Vote of the House, June 30. 1648: whereby this House did, with the Lords (for opening us a way to the Treaty with his Majesty for a safe and well-grounded peace) That the Votes, Jan. 30. 1647. forbidding all Addresses to be

The present visible Government is the Power of the Sword in the hands of Rebels. The Fundamentall Government of this Kingdome is destroyed by the remaining faction in the House of Commons by their Acts, For abolishing Kingly government, the House of Peers,

28
The Convention of Commons repeat as follows in a thin House under a force; the Votes deliberately passed in a full and free House.

made to, or from the King be taken off; was highly dishonourable to the proceedings of Parliament, and apparently destructive to the good of the Kingdom, (sure they meant the Kingdom of the Saints.) They likewise by four severall Votes, revived the laid 4. Votes January 3. 1647. for no Addresses, in terminis.

3. Resolved, &c. That the Vote, July 28. 1648. That a Treaty be had in the Isle of Wight with the King in Person by a Committee appointed by both Houses, upon the Propositions presented to him at Hampton-Court; was highly dishonourable, and apparently destructive to the good of the Kingdom. Good Boyes, they can say their Lesson well, and spare too; when the Army whips them on; they will shortly have a jubile of play-daires for their pains, 40. or 50. New lights shined by the Councell of Warre, can better discover what is dishonourable, and apparently destructive to their own Kingdom, then 340. or 244. could doe at other times: If you aske what Debates they had? they could have none being now freed from the contradiction of Sinners: being all Birds of a feather, taught the same tune by the same Masters, and singing in the same cage.

The House ad-
judged.

29. A Pretence to be
entred against
the Votes, That
the Kings
Grants were a
ground for a
Settlement; a
Touch-stone of
F. Gourdon.
See the Order,
Dec. 5. 1648.

Yet the unanimous recalling those Votes was not thought (by those that think one thing and say another) a sufficient Test all were confidently for them, that voted with them; wherefore godly John Gourdon (a Fellow that spits venome as naturally as a Toad) moved, That a Protestation might suddenly be drawne up, and every Member to set his hand to it, in detestation of those reported Votes. A Committee was appointed accordingly: The 14. Decemb. the said new found Shibboleth, was brought in by Gourdon, which caused divers that were not yet mad enough for Bedlam, to forbeare the House, or rather Conyocoule.

30. The Militia of
the Counties
new settled in
Independant
hands.

Decemb. 14. They repealed the Ordinance lately passed (after mature debate) for settling the County Militias of the Kingdom, because there were some Presbyterians in it not well affected to the Army; and in that new lease, Miligodnes: And ordered, that a new Ordinance, with a List of new names, of Saints militant (somewhat like Jewish pedigree) be brought in; for (through the misdirection of the Presbyterians) the Independants had the custody of our purses a long time, and now must keep our Swords too; and then, Shall and shall not, will be the only Law of the Land.

About

About this time Major General Brown one of the Sheriffs of London was fetched out of the City by a Party of Horse, and carried before the mechanic Councell of Warre at White-hall, (although a Member of Parliament, and consequently one of their Masters) where he told them, he knew they had nothing to charge him withall, but his honest endeavours to preserve his Majesty and his Posterity, together with the Parliament, City, and Kingdom, with the Lawes and Government thereof from being rooted up by them, and that he feared them not. Col. Hewson (the one-eyed Cobler) was so sawcy as to tell him, He was too peremptory: at last they committed him Prisoner to St. James's.

31.
Sheriff Brown
carried away
out of the City
Prisoner to St.
James's.

And that he might not want company they sent a Warrant to Cap. Lawrence, Marshall Generall, to remove Sir Will. Waller, Sir John Clotworthy, Major General Massey, and Commissary General Copley, from the Kings head to him.

32.
Sir Will. Wal-
ler, &c. remo-
ved to Saint
James's.

The Marshall shewing them the Warrant, they protested against the Authority, and offered the Protest to the Marshall in writing, desiring him to shew it to the Generall; which he refusing to receive, Sir William Waller desired all the company to witness what Protestation they did make in behalfe of themselves, and all the Free-borne people of England, against the violent and illegall encroachments of the Generall and Council of Warre, against the Lawes and Liberties, and read it aloud; as followeth.

33.
They protest a-
gainst the Ge-
nerals Autho-
rity.

A Declaration of the taking away of Sir Will. Waller, Sir John Clotworthy, Major General Massey, and Colonel Copley, Members of the House of Commons, from the Kings head in the Strand to St. James's: Together with their Protestation read at their removall. With a Copy of the L. Generals Order for the same. Tuesday, Decemb. 22. 1648.

Marshall Lawrence came and acquainted Sir William Waller, Sir John Clotworthy, Major General Massey, and M. Lionel Copley, Members of the House of Commons, That he had Orders from the Lord Generall and Council of the Army, to remove them from the other Prisoners to St. James's. They replied to him, That they desired to see his Orders. The Marshall answered, They were orally verball; but the Gentlemen, insisting to see a Warrant for their remove,

remove; the Marshall went to the Generall, and from him about six a clock brought in order a true Copy of which follows, viz.

YOU are upon sight hereof, to Remove Sir VVil. VValler, Sir John Clotworthy, Major Generall Massey, and Colonel Copley, from the Kings head Inn (where they are now in custody) to Saint James's: and for so doing, it shall be your Warrant.

Given under my hand, Decemb. 12. 1648.

To Marshall Generall Lawrence.

T. Fairfax.

This Order being shewed unto the foresaid Gentlemen, Sir William Waller produced a paper, desiring that the same might be presented to the Generall; which Marshall Lawrence refused to receive: upon which, the said Sir William Waller, and the other three Gentlemen, desired the said Marshall and all the Gentlemen there present, to attend and witness to that protestation which they did there make in behalfe of themselves, and all the Commons and Free-borne Subjects of England; so with a distinct and audible voice read their Protestation, as followeth,

WE whose Names are herunto subscribed, being Members of the House of Commons, and Free-men of England, doe hereby declared and protest before God, Angells, and Men, That the Generall and Officers of the Army, being raised by the Authority of Parliament, and for defence and maintenance of the Priviledges thereof, have not, or ought to have any power or jurisdiction to apprehend, secure, detaine, imprison, or remove our persons from place to place by any colour or Authority whatsoever; nor yet to question or trie us, or any of us by Martiall Law, or otherwise, for any offence or crime whatsoever, which cannot be objected against us: And that the present Imprisonment and removal of our persons is a high violation of the Rights and Priviledges of Parliament, and of the

Funda.

Fundamentall Lawes of the Land, and a higher usurpation and exercise of an Arbitrary and unlawful power, then hath been heretofore pretended to, or attempted by this, or any King or other power whatsoever within this Realm; notwithstanding which, We and every of us do Declare our readinesse to submit our selves to the Legall triall of a free Parliament, for any crime or misdemeanour that can, or shall be objected against us.

In witness whereof, we have hereto subscribed our Names, the 12. of December, 1648:

At the Kings-head, William Waller, Edward Massey,
in the Strand.

John Clowdworth, Lionel Copley.

About this time, Mr. Pelham, Mr. Lane, Mr. Vaughan, Sir Simon Dewes (Members secured) were set at liberty without any engagement, although at first it was demanded they should engage not to attempt any thing against the present attings of this Parliament and Army; which they refused.

34
Foure secured
Members dis-
charged.

About Decemb. 11. 1648. was delivered into the world a monstrous Beggers brat, called [The Agreement of the People.] It is very judiciously answered by Mr. William Ashurst; all the Contents thereof is in the Remonstrance of the Army, 20. Nov. 1648. whereof I have spoken already.

35
The Agree-
ment of the
People publi-
shed and An-
swered.

1. It proposeth, That the People (that is, some small part of the People, the Army and their faction) without any colour of Law or Right should agree together to take away finally the present Government by King, Lords, and Commons; which the Kings party heretofore charged upon the Parliament as their designe for which they fought; whereupon, the Parliament to Vindicate themselves, published many Declarations, and passed sundry Votes, That they would not alter the Government by King, Lords, and Commons; it also takes away the legall right from Burroughs to chule Members of Parliament; this admitted; they may as well conspire to take away any Law, or any mans Life or Estate; by which rule we could enjoy nothing but at the will of any number of men that shall call themselves The People. And upon the same ground, that those that shall subscribe this Agree-

ment may call themselves *the people*; may those that shall refuse to subscribe call themselves *the people*; and upon farre better grounds, as being farre the more numerous, and standing for defence of those ancient Lawes, which doe constitute the People and Common-wealth of *England* which will breed infinite confusions and divisions: And what those that call themselves *the people* now agree to, they may alter upon the next change of humour or interest.

2. The inconveniences of the present Government have not yet been plainly discovered, nor no Tryall hath been made by the present knowne legall power of *England*; whether those inconveniences may not be removed without subverting the present Government, and introducing so totall a change as will be very dangerous and grievous to all sorts and conditions of men.

3. In the Protestation, *May 5. 1641.* and the Covenant *Sept. 27. 1643.* we are bound to defend Parliaments, and to oppose and bring to punishment all such as shall endeavour the subversion of Parliaments, which this Agreement clearly doth.

4. This Agreement encroacheth desperately upon the liberty of the people of *England*, in the Election of this Representative depriving them that have constantly adhered to this Parl. as well as the kings party (if they cannot in conscience subscribe it) from electing, or being Elected; yet they shall have Lawes and Taxes imposed upon them by Subscribers, who are the least, and the least considerable party of the Kingdome; and whom they conferre no trust; which is to disfranchise the Non-subscribers, and reduce them to the condition of Conquered Slaves. It is a known *Maxime in Law*, *Quod omnes tangit, ab omnibus tractari debet*, what concerns all men must be debated and agreed to by all men, either personally or representatively.

5. It will raise factions and feudes between the Subscribers and Non-subscribers of the Parliament party.

6. It takes away Magistracy and Government, notonely by placing such a Supreme power over them as is disputable; nay, apparently illegall: But by making the heady multitude (*the people*) Supreme Iudges over the said Representative; for although it inflicts the penalty of death upon the Resisters of their Orders;

yet

yet it is with this *salvo*, except such Representative shall expressly violate this Agreement, which makes every man or number of men that shall get power into their hands Judges of it; nor is there any other Judge designed: and (if their were) who shall judge that Judge? & so in infinitum, the legall supreme Trust of all publike interests being taken away, our vagabond thoughts wander in a circle, not knowing where to repose our trust, all Judges, all Councils may erre but the rascall multitude are the, very sink of errors and corruptions. If therefore the Sapreme, the Representative have so unstable an authority, what shal the subordinate Magistrats acting under them have?

7. It smells so much of the Iesuite, that it tollerateth Popery in private Houses; contrary to the known Lawes of the Land: Popery (like the old Serpent) if it once get in the head, will soon insinuate the whole body, being so well backed by potent Princes and Councils from beyond Sea: And truly I know not what to say against Popery, where Heresie, Schisme, Atheisme, and Blasphemie are openly tolerated, and exempted from the power of the civill Magistrats, as in this Agreement.

8. It will lose Ireland; the managing of the Warre there being legally in this Parliament by Act passed, nor in this new-fangled Representative.

9. It divides us from Scotland.

10. It destroyes the Cause for which the Parliament so often Declared, Voted, Protested and Covenanted that they fought, viz. *Defence of Parliament, Religion, Lawes and Liberties*, and bestows the Cause upon the King, as if He onely (from the beginning) had fought for them: which all men have reason to beleive, when they shall see the Parliament make such ill use of their Victory, as to root them all up. And this and all other Parliament Armies were Commissioned to preserve this Parliament; by this Authority they have their Pay, and Indemnity, without which, they are Thieves, Rebels, and Murderers.

11. It demands, that there be no Lawyers nor Lawes, but new Rules in English to be made from time to time by the new Representative, who are to be chosen and trusted onely by a small faction of Subscribers, (as hath been said) according to which justice shall be administered, not by Mayors, Sherifes, Iustices of

the peace, Officers alwaies ready; but by Hundred Courts, who are to supply the roome of all the Judges and Lawyers of the Kingdom: and all this to lie in the breasts of 12 men in every Hundred (of the Tribe of the Godly be sure) who peradventure can neither write nor read; nor have responsible Estates to satisfie wrongs done; these shall doe justice by providence and revelation.

12. It destroyeth all great and publique interest (and therefore cannot stand) Kings, Lords, Souldiers, Magistrates, Parliaments, Lawyers, Ministers, who will oppose it because it confounds and destroys Religion, and depriveth the Ministry of its lor; Tythes; stopping their mouths with famine, purposely to cast them off; and generally all men of quality and discretion will withstand it; because it gives no security for enjoyment of liberty and property; nor for increase of learning, civility, and piety; who then are left to owne and subscribe it, but desperate forsorne persons; who, because they cannot bring their actions under the protection of our Pretent Lawes and Government, will bring the Lawes and Government to their own corrupt wills and interests, and therefore will signe this agreement: no obedience being given to this Representative, but upon condition (*that they kepe this Agreement*) and there being no other Judges of their keeping it but the subscribers; who in the result of all, have the Law in their own wills

This *Agreement of the People* is the same which was subscribed by 9 Regiments of Horse, and 7 of Foot, and presented with a Petition to the House of Commons, *Novemb. 5 1647*, by the Agitators, Gifforde the Jesuite being then in the Lobby with them, and very active therein. Upon reading and debate hereof, the House then declared their judgments against it by passing these

36
This Agreement of the People was condemned by the House of Commons
9: Nov. 1647.

Die Martis, 9. Nov. 1647.

A Paper directed to the Supreme Authority of the Nation, the Commons in Parliament assembled, the just and earnest Petition, of those whose names are subscribed in behalfe of themselves and all the Freeborne People of England: Together with a Paper annexed, intituled, *An Agreement of the People for present and future Peace, upon grounds of Common Right, avowed.* How these papers come

now

now to be owned, those that oppose them violently secured by the Army, by the connivance (at least) of the dregs of the House now sitting, let the Saints now voting in the House examine their pockets, for (I am confident) their consciences had no hand in the businesse.

Resolved, &c. That the matters contained in these Papers, are destructive to the beings of Parliament, and to the fundamentall government of the Kingdome.

Resolved, &c. That a Letter should be sent to the Generall, and those Papers inclosed; together with the Vote of this House upon them: and that he be desired to examine the proceedings of this businesse in the Army, and returne an account thereof to this House.

The Generall and Councell of War in pursuance of this Vote, condemned one of the Agitators who promoted it, and shot him to death at Ware (you see what it is to doe a thing unseasonably, this designe of the Army and their Party was not yet ripe) where with they acquainted the House; yet they kept in the same fier in the City still, where some of their confederates, 23 of the same November sent the same Agreement, &c. inclosed in a Letter, with a Petition into the House of Commons. whereupon the House (giving thanks to the Generall for the execution done at Ware, and desiring him to examine that businesse to the bottome) unanimously passed these Votes.

Die Martis, 23. Nov. 1647.

A Petition directed to the Suprem Authority of England, the Commons in Parliament Assembled, and intituled, *The humble Petition of many Free-borne People of England,* sent in a letter directed to Mr. Speaker, and opened by a Committee thereupon appointed, was read the first and second time.

Resolved, &c. That this Petition is a seditious and contemptuous avowing and prosecution of a former Petition and paper annexed, filed, An Agreement of the People, formerly adjudged by this House to be destructive to the being of Parliament, and fundamentall Government of the Kingdome, &c.

Resolved, &c. That Tho: Prince, Cheese-monger and Sam: Chidley be forthwith committed Prisoners to the Prison of the Gate-house, there to remaine Prisoners during the pleasure of this House, for a seditious and contemptuous avowing and prosecution of a former

37

The said Agreement damned by the Generall & councell of Warre, and a Soldier shot by sentence for promoting it.

38

The said Agreement condemned by the House a second time, 23. Novemb. 1647.

Petition and Paper annexed, filed. An Agreement of the People, formerly adjudged by this House destructive to the being of Parliament, and fundamentall Government of the Kingdom.

Resolved, &c. That Jeremy Ives, Tho. Taylor, and Will: Larner, be forthwith committed Prisoners to the prison at New-gate, &c. as last aforesaid, in Terminus:

Afterwards by an Ordinance, Decemb. 17. 1647. for electing Common-Council men, and other Officers in London, they expressly ordained, *That no person who hath contrived, abetted, perswaded, or entred into that Engagement, entituled, [The Agreement of the People,] declared to be destructive to the being of Parliaments, and fundamentall Government of the Kingdome; be elected, chosen, or put into the Office of the Lord Mayr of the City of London, Sheriff, Alderman, Deputy of a Ward, or Common-Council man of the said City, or shall have any voice in the election of any such Officers, for the space of one whole yeare; and be incapable of any of the said places: yet now these petty Fellowes keepe the whole city in awe.*

39. Yet this Agreement since inserted into the Remonstrance of the Army, owned by the Generall and Councell of Warre: and Nov. 20. 1648 obtruded upon the House.

These multiplied Votes and Ordinance, laid this *Agreement of the People* asleep untill the beginning of November, 1648. when (to hinder the peace of this Kingdome, and relief of Ireland) the Jesuits and Agitators prosecuted it againe in the Army, and inserted it againe *verbatim* in the Remonstrance of the Army, Novemb. 20. 1648. *to break off the Treaty with the King, bring him to capitall punishment, and cast the odium of all upon the Parliament:* And the Generall and his Councell of Officers (though they had formerly shot a Souldier to death for prosecuting it) unanimously approved it at Saint Albons, November 16. 1648. and obtruded it upon the House the 20. Novemb. and when they found the House so resolute in the Treaty as to proceed; they first seized the Person of the King, and carried him to Hurst-Castle, as aforesaid; and when the House at last closed up the Treaty with this Vote, *That the Kings Answers to the Propositions of both Houses, were a ground for the Houses to proceed upon toward a settlement:* They seized upon 41. Members of Parliament, secured them, and villanously treated them; secluded above 160. and frighted away at least 40. or 50. more, leaving onely their own Somerset-house Junco of 40. or 50. thriving Members sitting

40. Why they pursued the House.

ting to Vnvote in a shire House under a force, what had been Voted in a full and free House: To vote downe the Kingly Office and House of Peers, to vote the Supreme Authority to be in the People, and in the House of Commons as their Representative, cleane contrary to their three last recited Votes. To bring the King to capitall punishment before a new invented, illegall, mixed Court (consisting of engaged Persons) erected for that purpose, that hath neither foundation by prescription nor Law; and to erect a Councell or Committee of States, out of their number (in the nature of Lords, States Generall, or Hogen Mogens) with an unknown and therefore unlimited Authority, to continue in being after the dissolution of this Parliament: So firewel King, Lords, and Commons, Religion, Lawes and Liberties, and all Votes, Declarations, Remonstrances, Protestation and Covenant, made heretofore only to gull the People, and carry on their designe.

X

X

About 19, Decemb. divers Lords went to do homage to the Generall, to expresse their good affections to him, and their concurrence with him for the common good, and their readinesse to waive their priuiledges and Titles if they shall be found burdensome to the liberty of the People, and had a gracious nod for their paines.

41

Diverse Lords do homage to the Generall and waive their honours.

About this time the Lords and Commons passed an Ordinance for electing Common-Councell-men and Officers in London for the yeare following, to this effect, That no Person that hath been imprisoned or sequestred (rightfully or wrongfully) or hath assisted the King against the Parliament in the first or second Warre, or hath been aiding or assisting in bringing the Scots Army to invade this Kingdom, or did subscribe or abett the treasonable Engagement, 1647. or that did ayde, assist, or abett the late Tumult within the Cities of London and Westminster, or the Countie of Kent, Essex, Middlesex, or Surrey, shall be elected, chosen, or put into the Office or Place of Lord Mayor of London, Alderman, Aldermans Deputy, Common-Councel-man, or into any office or place of trust within the City, for the yeare ensuing, or be capable to give his voice for chusing any Person to any the Offices aforesaid; And that if any persons comprehended under the aforesaid exceptions being chosen, shall presume to sit in the court of Aldermen, Common-councell, or execute any of

42

An Ordinance to curb the City in electing Officers.

the

Skippon moveth
for an addition
to the said Or-
dinance.

the foresaid Offices, he shall forfeit 200. And all such Elections to be null and void; the Lord Mayor to take order that this Ordinance be read at all Elections, and punctually observed: and also to. afford the liberty of the Pole, it being required by any of the Electors present, But this Ordinance not giving full satisfaction to the Zealots, Skippon stood up, and looking as demurely as if he meant to say Grace, he told the House. That the late Ordinance was not sufficient to keep Malignants out of Office in London, for Mr. Speaker (said he) It is not enough to exclude Delinquents, or the Abettors of the late Insurrections, &c, for there are a more dangerous sort of men amongst them: They which promoted the Treaty, and endeavoured to have the King brought to London, except these be made incapable of Authority, it wil be a great discouragement to the Godly party of the City. So an additional Ordinance to this end was ordered to be brought in: you see to endeavour peace and settlement, is accounted by these Saints militant a sufficient crime to forfeit a mans birth-right.

43
The Members
subscribe John
Gourdon Pro-
testation, sect.
29.

I formerly told you of John Gourdans motion, That all Members might subscribe a Protestation against the Votes for a Treaty with the King in the Isle of Wight, and especially against the Vote, 5. Decemb. 1648. which declareth, That his Majesties Answers to the Propositions of both Houses were a ground for the two Houses to proceed to a settlement: and untill such dissent or disapprovall to forbear the House: This was done in obedidnce to the demands of the Army in their Remonstrance presented 20. No. 1648. And al though it be so clearly against the Orders and Priviledges of Parliament, that divers Members formerly (and some this Parliament) have been suspended the House, and committed to the Tower for offering it, because it tends to breed factions and divisions in the House, and tumults without dores; yet every request from an armed man is a command and must be obeyed.

Scd. 23

The List of the names of these new Protestants followeth, and (it is hoped) they will in time give better Reasons then (the power of the Sword) for it, 20 December 1648. subscribed, The Lord Lisle, Col. Boswell, Jo: Gourdan, Lord Gray, Peregrine Pelham, Col. Jones, Col. Temple, Col. Ven, Sir Tho: Malewourer, Sir Thomas Wrothe, Sir Jo: Bourcher, Col. Peter Temple, Humphry Edwards (who waited on the King to the House when he demanded the
5. Members,

5. Members, and his Election is adjudged void by a Committee) Mr. *Thos. Challoner*, Sir *Gregory Norton* (who gave a man 20 li. to wait on the King in his Place as pensioner when he demanded the five Members) *Michaell Oldswarth*, *Augustine Garland*, Sir *Jos. Danvers*, Mr. *Dave*, Mr. *Henry Smith*, Mr. *Frye* (whose Election is voted void), Mr. *Searle*, Nich: *Love*, John *Lysle*, Col. *Rigby*, *Cornelius Holland*, Col: *Ladlow*, *Greg: Clement*, Col: *Paresey*, Col: *Stapley*, Mr. *Dunch*, Mr. *Cowley*, Col: *Downes*, Jo: *Carey*, John *Blackiston*, *Tho: Scot*. Decemb. 22. Col: *Hutchinson* Sir *Hen: Myldmay*, Sir *James Harrington*. Decemb. 25. Col: *Edward Harvey*, Alderman *Penington*, Alderman *Atkins*, Dan: *Blaggrave* (voted out of the House) Col: *Moore*, Col: *Millington*, Mr. *Prideaux*, Roger *Hill* the little Lawyer, *Dennis Bond*, Col: *Harrington*, Mr. *Hodges*, Mr. *Valentine*.

Sixteen of the Imprisoned Members were about this time sent for by the Generall; when they came, out came *Ireton*, and finding Mr. *Pryn* amongst them, he chid the Marshall for bringing him, and commanded him to be taken away; but Mr. *Pryn* refusing to depart, *Ireton* commanded him to be thrust out by head and shoulders: whereupon Mr. *Pryn* openly protested, That the Army endeavoured utterly to subvert the fundamentall Lawes of the Land, and priviledges of Parliament. That they had no power over him, nor any Member of Parliament. That their late force used upon them, and their proceedings was illegall, and tyrannous. That all men were bound to bring them to condigne punishment as Rebels and Traitors to their God, their King, Country and Parliament. So Mr. *Pryn* was removed by the Marshall, and *Ireton* went in once more to consult the Oracle, and at last came out againe to the Genl. telling them, It was the Generalls pleasure they should be all released, attempting nothing against the actions of this present Parliament and Army; but (said the insolent fellow) let that be at your perill; so the Gentlemen expressing that they would give no engagement, were released without any.

The 22. December both Junctoes of foure Lords, and twenty Commons, kept a mock Fast at Saint *Margarets Westminster*; where *Hugh Peters* the Pulpit-Biffon, acted a Sermon before them; the Subject of his Sermon was, *Moses leading the Israelites out of Egypt*, which he applied to the Leaders of this Army,

H

whose

44
Sixteen imprisoned Members discharged without engagement.

45
A mock Fast kept by the two Houses and H. Peters, comick Sermond

whose designe is, to lead the people out of Egyptian bondage: But how must this be done? that is not yet navigated: turn me (quoth *Joseph*) and then covering his eyes with his hands, and laying downe his head on the cushion, untill the People falling into a laughter, awaken him: He started up, and cried out, Now I have it by Revelation, now I shall tell you; This Army must root up Monarchy, not only here, but in France and other Kingdoms round about: this is to bring you out of Egypt: This Army is that corner stone cut out of the Mountain, which must dash the powers of the earth to pieces. But it is objected, The way we walke in is without president; what thinke you of the Virgin Mary? was there ever any president before, that a Woman should conceive a Child without the company of a Man? this is an Age to make examples and presidents in.

*Antichristian
Murthering*

46.
The Councell
of War vote a
Toleration of
all Religions.

Decemb. 25. The Councell of Warre voted a Toleration of all Religions: Thus you see they vote like States-men, as well as their Parliament.

47.
The Common
Council Peti-
tion against
Shippens addi-
tionall Ordi-
nance in vaine.

About this time, a Committee of Common-Councell men came complaining to the House of Shippens additionall Ordinance, That none should Elect, or be Elected, or execute the place of Lord Mayor, Alderman, Aldermans Deputy, Common-Councell-man, &c. that had signed the Petition for a personall Treaty, &c. because they found the City generally ingaged in the said Petition; so that they could not find Men enough to Elect, or be Elected: Wherefore it was referred to a Committee to thinke of a remedy worse than the disease, as it proved afterwards. You see the petitioning for a Personall Treaty was so universall and publick that it could not be carried on by any private designs in Conventicles and corners; as are all the bloody Petitions for justice, justice against capital Delinquents, and the most High, which being penned and solicited by the Army, or sectary Committee-men; and subscribed and prosecuted by some few beggerly Schismatics without cloakes in the Names of whole Counties, (whom they had the impudence to belie) were entertained in state; and they, and that well affected county (though they abhorred the villany) thanked for their paines.

* 48.
*Somerset shire
encouraged by
the House to
associate all the
wellaffected, i.e.
all the Anar-
chists and
Cheaters.*

* 25. Decemb. The House voted a Letter to be sent by way of encouragement to the county of Somerset, to go on with seiling their

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372

their association with the well affected, and Forces of the Countiees adjacent: This is to associate and Arme all the Schismaticks, Committee men, guilty and desperate persons, Antinomarchists, and Anarchists, against all the peaceable and honest men of the Kingdom.

26. Decemb. Mr. Pryn sent a Letter to the Generall, demanding his liberty; and seconded it with a Declaration, as followeth:

g Mr. Pryn's Demand of his Liberty to the Generall, Decemb. 26. 1648. with his Answer thereto. And his Declaration and protestation thereupon.

For the Honourable Lord Fairfax, Generall of the present Army.

49.
M. Pryn's Letter to the General, demanding his liberty

THese are to acquaint your Lordship, That I being a Member of the Commons House of Parliament, a Free man of England, a great Sufferer for, & an Affection of the Subjects Liberties against all Regall and Prelaticall tyranny, and no way subject to your owne, your Councell of Warres, or Officers military power or jurisdiction, going to the House to discharge my duty on the 6. of this instant Decemb. was on the staires next the Commons House, and forcibly kept back from entering the House, seized on, and carried away thence (without any pretence of Lawfull authority thereto assigned) by Colonel Pride, and other Officers and Soldiers of the Army under your Command. And notwithstanding the House demand of my enlargement both by their Sergeant and otherwise, were spite unjustly detained under your Marshalls custody, and passed from place to place, contrary to the known Priviledges of Parliament, the Liberty of the Subject, and fundamentall Lawes of the Land, which you are engaged to maintain against all violation. And therefore do hereby demand from your Lordship my present enlargement, and just liberty, which your Answer becometh.

50
Mr. Pryn's Declaration seconding his said Letter.

From the Kings head in the Strand,

Decemb. 26. 1648.

Williams Pryn

This was delivered to the Generalls owne hands at his House in Queen-street, about three of the clock, the same day it beares date

date; by Doctor *Bastwicke*: who returned this answer by him, upon the reading thereof.

That he knew not but *Mr. Pryn* was already released, and that he would send to his Officers to know what they had against him. Who it seems act all things without his privacy, and sicere all the Armies present counsellors and designs according to their absolute wills.

g The publique Declaration and Protestation of *William Pryn* of *Lincolnes Inne*, Esquire; against his present Restraint, and the present destructive counsellors and Jesuiticall proceedings of the Generall, Officers, and Army.

Pryn
up with ant

I William Pryn, A Member of the House of Commons and Freeman of England; who have formerly Suffered 8 years imprisonment (four of them close, three in exile) three Pillories, the losse of my Eares, Calling, Estate, for the vindicating of the Subjects just rights and Liberties against the arbitrary tyranny and injustice of King & Prelates, and defence of the Protestant Religion here established; spent most of my strength and studies in asserting the Peoples just freedom, and the Power and priviledges of Parliament; against all Opposers, and never received one farthing by way of dammages, gift, or recompence) or the smalest benefit or preferment whatsoever, for all my sufferings and publique services; Doe hereby solemnly declare before the most just and Righteous God of Heaven and Earth (the searcher of all hearts) the whole Kingdom, English Nation, and the world; that having according to the best of my skill and iudgement, faithfully discharged my trust and duty in the Commons House, upon reall grounds of Religion, Conscience, Justice, Lawe prudence & right reason for the speedy & effectuall settlement of the Peace & safety of our three distracted, bleeding, dying Kingdoms, on Monday, Dec. 4. I was on Wednesday morning following (the 6 of this instant) going to the House to discharge my duty, on the Parliament Chaires next the Commons dore, forcibly seized upon by Col. Pride, Sir Hardres Waller, and other Officers of the Army (who had then beset the House with strong Guards and whole Regiment of Horse and Foot) haled violently thence into the Queens Court; notwithstanding my Protestation of breach.

breach of privilege, both as a Member and a Free-man, by a mere usurped tyrannical power, without any lawfull Authority, or cause assigned; and there forcibly detained Prisoner (with other Members there restrained by them) notwithstanding the Houses double demand of my present enlargement to attend its service by the Sergeant, and that night (contrary to faith and promise) carried Prisoner to Hell, and there shut up all night, (with 40 other Members) without any lodging or other accommodations contrary to the known privilege of Parli. the fundamentall Lawes of the Realm, & liberty of the Subject: which both Houses, the 3. Kingdoms, the Generall with all Officers & Soldiers of the Army, are by solemn Covenant & duty obliged inviolably to maintaine. Since which I have without any lawfull power or authority, been removed and kept Prisoner in severall places, put to great expences, debarred the liberty of my person, calling, and denied that hereditary freedom which belongs to me of right, both as a Free-man, a Member, an eminent sufferer for the publike, & a Christian, by these who have not the least shadow of authority or justice to restraints me, and never yet objected the least cause for this my unjust restraint.

I do therefore hereby publicly protest against all these their proceedings, as the highest usurpation of an arbitrary and tyrannical power, the greatest breach of faith, trust, Covenant, privileges of Parli. and most dangerous encroachment on the Subjects liberties and lawes of the Land, ever practised in this Kingdom by any King or Tyrant; especially by pretended saints, who hold forth nothing but justice, righteousness, liberty of Conscience, and publick freedom in all their Remonstrances; while they are triumphantly trampling them al under their armed iron feet. And do further hereby appeal to, and summon them, before all the tribunals and powers in heaven and earth for exemplary justice against them, who cry out so much for it against others less tyrannicall, oppressive, unjust, and fedifragus to God and men than themselves. And do moreover Remonstrate, that all their present exorbitant actions against the King, Parli. present Government, & their new modled representative, are nothing else but the designs & projects of Jesuits, Popish Priests and Recusants (who bear cheif sway in their counsell) to destroy and subvert our Religion, Lawes, Liberties, Government, Magistracy, Ministry the present and all future Parli. the King and his posterity and our 3. Kingdoms, with the Generall Officers, and Army themselves, and that with speedy and inevitable certainty.

to betray them all to our foreign Popish Enemies; and give an occasion to the Prince and Duke, now in the Papists power, to alter their Religion, and engage them; and all foreign Princes & Estates to exert all their power to suppress and extirpate the Protestant Religion, and Professors of it through all the world, which these unchristian, scandalous, treacherous, rebellious, pernicious, Jesuitical, disloyal, bloody, profane Counsels, and exorbitances of this Army of Saints, so much pretending to piety and Justice, have so deeply wounded, scandalized, and rendered detestable to all pious, carnal & moral men of all conditions. All which I am, and shall alwaies be ready to make good before God, Angels, Men, and our whole three Kingdoms in a free and full Parliament, upon all just occasions; and seal the truth of it with the last drop of my dearest blood.

In witnesse whereof, I have herunto subscribed my
Name: at the Signe of the Kings-head in the Strand
Decemb. 26, 1648.

William Prym.

51. The Councell of War forbid all state & ceremony to the King.
27. Decemb. The Councell of Warre (who manage the business in relation to the King, such the Disurball) ordered, That all state and ceremony should be forbore to the King, and his attendants lessened, to mortifie him by degrees, and worke Him to their desires.

From Dec. 25. to 1. January, 1649. When it was first moved in the House of Commons to proceed against the King; Cromwell stood up and told them, That if any man moved this upon designe, he should thinke him the greatest Traitor in the world; but since providence and necessity had cast them upon it, he should pray God to blesse their Councels, though he were not provided on the sodaine to give them counsell: this blessing of his proved a curse to the King.

53. The ordinance for electing Com. Councell men confirmed, 28. Decemb. was brought into and read in the house an Ordinance, explaining the former Ordinance for electing Common-councell men, which confirmed the former Ordinance. It was referred back again to the said committee to consider of taking away the illegall (as they please to miscall them) Oathes of Allegiance, Supremacy, and other oathes usually administred to Officers, Free-men, &c. of the City.

The

The 18. Decemb. That sent brought in the Ordinance for Tryall of the King, it was read, and recommined three severall times, and the Commissioners Names inserted consisting of diverse Lords, Commons, Aldermen, Citizens, Country Gentlemen, and Souldiers, (that the more persons of all sorts might be engaged in so damnable and treasonable a designe) and because this Ordinance, and the proceedings thereupon had no foundation in Divinity, Law, reason, nor practice: The Commons to give it a foundation and ground from the Authority of their Votes, declared as followeth,

54
The Ordinance for trial of His Majesty passed the Commons.

Resolved &c. That the Lords and Commons assembled in Parliament, doe declare and adjudge, That by the fundamentall Lawes of the Realm, it is Treason in the King of England for the time to come to levy War against the Parliament, and Kingdom of England.

Diurnal from 1. Jan. to the 8 of Jan. 1648. Numb. 286.

So together with this declaratory Vote the said Ordinance was carried up to the Lords by that Renegado Lord Gray of Groby, Jan. 2. 1648. The Lords met that day farre more than ordinary 16 in number, and promising to send an Answer by Messengers of their own:

55
And sent up to the Lords,

The first Question started by some Lords (who had rather have had a thinner House) was, *Whether it should be presently debated?* which passed affirmatively. The first Debate was upon the said Declaratory Vote: The Earle of Manchester, told them, *The Parliament of England, by the fundamentall Lawes of England consisted of three Estates, 1. King. 2. Lords. 3. Commons: the King is the first and chief Estate, He calls and dissolves Parliaments, and confirms all their Acts: and without him there can be no Parliament: therefore it is absurd to say the King can be a Traitor against the Parliament.* The Earle of Northumberland said, *The greatest part (at least twenty to one) of the people of England were not yet satisfied, whether the King levied War first against the houses, or the Houses against Him? And if the King did leave War first against the Houses, we have no Law to make it Treason in Him so to doe: And for us to declare Treason by an Ordinance, when the matter of fact is not yet proved, nor any Law extant to iudge it by, is very unreasonable: so the Lords cast off the debate, and cast out the Ordinance: and adjoured for seven dayes.*

56
and Debated.

57.
The Zealots of the H. of Com: offended with the Lords for casting forth the Ordin: for Tryall of the Lords King.

Jan. 3. The Zealots of the Commons were very angry at the

Lords King.

Lords, and threatened to clap a Pad-lock on the Dore of their House: but at last they sent up some of their Members to examine the Lords Book, and see what they had done; who brought word back, that their Lordships had passed 3 Votes: 1. That they doe not concurre to the said Declaratory Vote. 2. That they had rejected the Ordinance for triall of the King.

58
Votes passed
by them there-
upon.

Hereupon the Commons resolved to rid their hands of King and Lords together; and presently they voted, *That all Members of the House of Commons, and others appointed by order of that House, or Ordinances of both Houses of Parliament, to act in any Ordinance wherein the Lords are joyned, shall be empowred and enjoyned to sit, and act, and execute in the said severall Committees of themselves, notwithstanding the House of Peers saye not with them therein.* Upon the debate, many hot-brain'd men insilted upon it, *That the Lords who rejected the Ordinance should be themselves impeached for favouring the grand Delinquent of England,* (you see the King was likely to have much justice, when his Judges must either condemn him, or be condemned) others thought it more prudence to touch their privileges, and let alone their persons.

Die Jovis, 4 Jan 1648. The Commons passed these 3 Votes.

A question in
Divinity voted
in Parliament
never agreed
to by Divines.
This we find
de facto, in the
subversion of
our Religion,
Lawes, Liber-
ties and Pro-
perties, though
not *de jure*.
You see that
since both
Houses ravish'd
the Supremacy
from the King,
and petty Fa-
ction from the
Houses; our Lawes are first shrunke into arbitrary Ordinances of both Houses; and now into
Orders of a remaining Faction of one House.

1. *That the People* (that is, their own faction, according to their said principle) *are under God the originall of all just Power.*

2. *That the Commons of England in Parliament assembled, being chasen by, and representing the People, have the Supreme power of this Nation:*

3. *That what soever is enacted or declared for Law by the House of Commons assembled in Parliament, hath the force of Law: and all the People of this Nation are concluded thereby, although the consent or concurrence of the King or House of Peets be not had thereunto.* This chain-shot sweeps away King, Lords, Laws, Liberties, property, and fundamentall Government of this Nation at once; and deposits all that is, or can be nere or deare- unto us in *scrinio pectoris*, in the bosomes and consciences of 50. or 60. factious covetous Saints; the dregs and lees of the House of Commons sitting and acting under the power of an Army: and yet the House of Commons never had any Power of Judica-

sure, nor can legally administer an Oath; but this in pursuance of their aforesaid principle, that they may pass through any forme of Government to carry on their Designe: the *Diurnal* tells you, *there was not a Negative Voice*: this shewes under what a terror they lie, when (in things so apparently untrue) no man durst say, *No*; so the said Declaratory Vote and Ordinance for Triall of his Majesty (by a Court Martiall, if the *Diurnal* Speake true, and yet the King no Prisoner of War) was passed only in the name and by the Authority of the Commons: Notwithstanding, the Order of the House, *That the Clerke should not deliver a Copy of the said Ordinance to any Man*, I here present the Reader with a Copie thereof.

¶ An Act of Parliament of the House of Commons, for Triall of Charles Stuart King of England.

59.
The Act for tryall of the King.

WHEREAS it is notorious that Charles Stuart the now King of England was not content with the many encroachments which his predecessors had made upon their People in the rights and Freedome, but had a wicked designe to subvert the ancient and fundamentall lawes and liberties of this Nation, and in their place to introduce an arbitrary and tyrannicall Government, and that besides all evill waies to bring his Designe to passe, he hath prosecuted it with fire and sword, leaved and maintained a civill War in the land, against the Parliament and Kingdome; whereby this Country hath been miserably Wasted, the publique Treasure exhausted, Trade decayed, thousands of People murdered, & infinite of other mischeifs committed, for a'l which high offences the said Charles Stuart might long since have been brought to exemplary & condigne punishment.

Whereas, also the Parliament well hoping that the restraint and imprisonment of his person, after it had pleased God to deliver him into their hands, would have quieted the distempers of the Kingdom, did forbear to proceed judicially against him, but found by sad experience that such their remission served only to encourage him, and his Complices in the continuance of their evill practises, and in raising new commotions, Rebellsions, and Invasions: For prevention of the like and greater inconveniences, and to the end no chiefe Officer or Magistrate may hereafter presume Traiterously and Malitiously

Quere, Whether the Parliament doe not translate these Crimes from themselves to the King, with many others.

to imagine or contrive the enslaving or destroying of the English Nation, and to expect impunity. Be it enacted and ordained by the Commons in this present Parliament assembled, and it is hereby enacted and ordained, that

Thomas Ld. Fairfax,	Col. Henry Martyn.	John Carne, Esq.
Generall.	Col. William Purefoy.	Sir Will: Armine.
Oliver Cromwell, Lieu.	Col. Godfrey Bosvil.	John Jones Esq.
Generall.	John Trenchard, Esq.	Miles Corbet, Esq.
Com. Gen. Ireton.	Col. Harbot. le Morley	Francis Allen, Esq.
Major Gen. Skippon.	Col. John Berkstead.	Thomas Lister, Esq.
Sir Hardresse Waller.	Col. Mat. Tomblinson.	Ben: VVeston, Esq.
Col. Valentine Walton	John Blackston, Esq.	Peregrin Pelham, Esq.
Col. Thomas Harrison	Gilb: Millington, Esq.	John Gourdon, Esq.
Col. Edward Whalley.	Sir VVil: Cunstable.	Serj. Francis Thorp.
Col. Thomas Pride.	Col. Edward Ludlow.	John Nut, Esq.
Col. Isaac Ewer.	Col. John Lambert.	Tho: Chalkoner, Esq.
Col. Rich: Ingolsky.	Col. Jo: Hutchingson.	Col. Algern: Sidney.
Sir Henry Mildmay.	Sir Arth: Hazlerigge.	John Anlaby, Esq.
Sir Tho: Honeywood.	Sir Michael Livesley.	Col. John Moore.
Thomas, Lord Grey.	Rich: Salway, Esq.	Richard Darley, Esq.
Philip, Lord Lisle.	Humph: Salway, Esq.	William Saye, Esq.
VVill: Lord Munson.	Col. Rob: Titchburne,	John Aldred, Esq.
Sir John Danvers.	Col. Owen Roe.	John Fagge, Esq.
Sir Tho. Maleverer.	Col. Rob: Manwaring.	James Nelthrop, Esq.
Sir John Bowcher.	Col. Robert Lylburne.	Sir VVill. Roberts.
Sir James Harrington.	Col. Adrian Scroope.	Col. Francis Lassels.
Sir William Breverton.	Col. Richard Dean.	Col. Alex: Rixby.
Robert VVallop, Esq.	Col. John Okey.	Henry Smith, Esq.
Wil. Henningham, Es.	Col. Robert Overton.	Edmond VVilde, Esq.
Isaac Pennington, Alderman.	Col. John Harrison.	James Chaloner, Esq.
Thomas Atkins, Ald.	Col. John Desborough.	Josias Barnes, Esq.
Col. Rowland Wilson.	Col. William Goffe.	Dennis Bond, Esq.
Sir Peter Wentworth.	Col. Rob: Dukensfeld.	Hump: Edwards, Esq.
	Cornelius Holland, Es.	Greg: Clement, Esq.

John Fray, Esq:
 Tho: VVogan, Esq.
 Sir Greg: Norton.
 Serj: John Bradshaw.
 Col: Edm: Harwey.
 John Dove, Esq.
 Col. John Venn.
 John Foulks, Alder:
 Thomas Scot, Alder:
 Tho: Andrewes, Ald:
 VVilliam Cawley Esq.
 Abraham Burrell, Esq.
 Col. Anthony Stapley.
 Roger Gratwicke, Esq:
 John Downes, Esq.
 Col: Thomas Horton.
 Col: Tho: Hammond.
 Col: George Fenwicke.
 Serj: Robert Nichols:
 Robert Reynolds, Esq;
 John Lisse, Esq.
 Nicholas Love, Esq:
 Vincent Potter.
 Sir Gilbert Pickering:

John Weaver, Esq:
 John Lenthal, Esq.
 Sir Edward Baynton.
 John Corbet, Esq:
 Thomas Blunt, Esq.
 Thomas Boon, Esq.
 Augustin Garland, Esq.
 Augustin Skinner, Esq,
 John Dikswel, Esq.
 Col. George Fleetwood
 Simon Main, Esq.
 Col: James Temple.
 Col: Peter Temple.
 Dan: Blagrove, Esq.
 Sir Peter Temple.
 Col: Thomas VV. gte.
 John Browne, Esq: :
 John Lowrey, Esq: :

 Mr: Bradshaw, nomi-
 nated President.

Counsellors assistant
 to this Court, & to
 draw up the charge
 against the King,
 are,

Doctor Dorislaw:

Master Steele:

Master Aske:

Master Cooke:

Serjeant Dandy, Ser-
 jeant at Armes:

Mr. Philips, Clerk to
 the Court.

Messengers and dore-
 keepers, are,

Master Walford,

Master Radley,

Master Paine,

Master Powel,

Master Hull,

And Mr. King, Crier.

shall be, and are hereby appointed Commissioners and Judges for the hearing, Trying, and Judging of the said Charles Stuart: and the said Commissioners, or any 20. or more of them shall be, and are hereby Authorized and Constituted an High Court of Justice, to meet at such convenient times and place as by the said Commissioners, or the major part, or 20. or more of them under their hands and seales shall be appointed and notified by publick Proclamation in the great Hall, or pillage yard of Westminster, and to adjourn from time to time, and from place to place, as the said High Court or the major part thereof meeting shall hold fit, and to take order for the charging of Him the said Charles Stuart with the Crimes above mentioned, and for the

These wife men of Gotham could not tell whether Witnesses upon oath were necessary upon Trials of life and death. But (I confesse) that upon the defensive part, upon Indictments, Witnesses upon Oath were not to be heard against

the King, much more accusers of the King. * The Generall is no Officer of justice. All well affected Persons rag and rag invited to assist in a Tumultuary way to destroy the King if need had been, that is, all Antimonarchists.

receiving His Personall Answer therunto, and for examination of Witnesses upon oath (if need be) concerning the same; and thereupon or in default of such Answer to proceed to final sentence according to justice & the merit of the cause, to be executed speedily and impartially. And the said Court is hereby Authorized and required to chuse and appoint all such Officers, Attendants, and other circumstances as they, or the Major part of them shall in any sort judge necessary or usefull for the orderly and good managing of the premises: and Tho: Lord Fairfax * the Generall, with all Officers of justice, and other well affected persons are hereby Authorized and required to be aiding and assisting unto the said Commissioners in the due execution of the trust hereby committed unto them, provided that this Ordinance, and the Authority hereby Granted doe continue for the space of one Month from the date of the making hereof, and no longer.

60
Answer Great-
Seale to be
made,

But at last they stumbled at a rub not foreseen; They could not use the old Great Seale against him, because it was the Kings Great Seale (no more could they use any of our Lawes, Courts, or Judges against him, because they are all the Kings) the Sculpture upon it is *Carolus Dei Gratia*, neither would the grace of God square with their proceedings: they must therefore make a new great Seale; but that was long a making, and their fingers were in the fire: they therefore proceeded without any Commission under Seale, onely upon the said Ordinance, and every Commissioner set his owne hand and Seale to the publique instruments of their proceedings: what need ceremonies when men are resolyed upon the substance?

61
The Jews petition the Council of War to have the Seal, of their banishment repealed.

About this time the Hebrew Jewes presented a Petition to the uncircumcised Jewes of the Council of Warre, That the Statute of Banishment against them may be repealed, and they readmitted to a Synagogue & Trade amongst us; they offer for their readmission, Saint Pauls Church, and the Library at Oxford, 500000. pound, but 700000. pound is demanded: Hugh Peters and Harry Martin sollicite the business. Upon this occasion was published this Paper ensuing.

¶ The

¶ The last Damnable Designe of Cromwell and Ireton, and their Junto or Caball; intended to be carried on in their Generall Council of the Army; and by their Journey-men of the House of Commons, when they have engaged them desperately in sinne, past all hope of retreat by Murdering the King.

65.
A Paper published upon occasion of the Jewes Petition,

Majer White, a member of the Army, long since at Putney foretold, that shortly there would be no other power in England but the Power of the Sword: and Will: Sedgwick in his Book called [Justice upon the Armys Remonstrance] saith; the Principle of this Army is, to breake the Powers of the Earth to Pieces: and Iohn Lilburne in his [Plea for Common Right] pag. 6. saith, The Army by these extraordinary proceedings, have overturned all the visible Supreme Authority of this Nation: that is, they have, and wil, by seizing upon the Members of Par^l: dissolving it, and setting up a new invented Representative, and bring the King to capital punishment, and disinherit his posterity, subvert the Monarchical Government, and Parliaments of this Kingdom; the Lives and Liberties of the People, and so by bringing all to Anarchy and confusion put the whole Government of the Land under the Arbitrary power of the Sword

In order to which they have, and will overturne the Government of the City of London by a Lord Mayor and Aldermen, and Govern it by Commissioners, and a schismaticall Common Councell of Anabaptists, illegally chosen; and deprive them of their Charter of incorporation, and franchises and this shall be a leading case to all the Corporations of England.

Their next designe is, to Plunder, and dis arme the City of London, and all the Country round about; thereby to disable them to rise when the Army removes, but not to the use of the Soldiers, (although they greedily expect the first weeke in February the time appointed) from whom they will redeeme the Plunder at an easy rate, and so sell it in bulk to the Jewes, whom they have lately admitted to set up their banks, and Magazines of trade amongst us, contrary to an Act of Parliaments for their banishment; and these shall be their Merchants to buy off for ready money, (to maintaine such Warres as their violent

pro-

proceedings will inevitably bring upon them) not onely all Sequestred and Plundered goods, but also the very Bodies of Men, Women, and Children, whole Families taken Prisoners for sale, of whom these Jewish Merchants shall keep a constant traffique with the Turke, Moores, and other Mahometans; the Barbados, and other English Plantations being already cloyed with Welch, Scottish, Colchester, and other Prisoners imposed by way of sale upon the Adventurers: and this is the meaning of Hugh Peters threat to the London Ministers, That if another Warre followed, they will spare neither Man, Woman, nor Child: For the better carrying on of which Design, the said Caball, or Junto, keep a strict correspondency with Owen Roe O'Neale, the bloody Popish Antimonarchical Rebell in Ireland, and the Popes Nuntio there. The antimonarchicall Marquesse of Argyll in Scotland; the Parisian, Norman, and Picarde Rebels in France; and the Rebell King of Portugall. If danger be not held so close to your eys that you cannot discern it, looke about you English. But this Kingdome is not to be saved by Men that will save themselves; Nothing but a Private hand, and a Publique spirit can redeem it.

63
Master Pryms
second Letter
to the Generall

The 3. January 1648. Master Prym sent a Letter to the Generall, demanding what kind of Prisoner, and whose he was as followeth:

¶ To the Honourable Thomas Lord Fairfax,
Generall of the present Army, these present.

My Lord

IT is now a full Moneths space since I (with other Members of the Commons House) have been forcibly apprehended, and kept Prisoner by some of your Officers and Marshall, against the Priviledges of Parliament, the Liberty of the Subject, the Lawes and Statutes of the Realme, and all rules of justice, conscience, and right reason; without the least shadow of Authority, or any cause at all yet made knowne to me, of which (were there any) neither God nor man, ever yet made your Lordship or your Officers, Judges. I therefore desire to know from your Lordship, what kind of Prisoner I am? and whose? If a Prisoner of peace, neither

neither your Lordship, nor your Officers, are any Justices of the peace, or Civill Magistrates in this place, to restrain me for any civill crime, were I guilty of it, much lesse without proof or hearing, in case I were no Member: but being neither guilty nor accused of any such crime, and a Member too, no Magistrate can, nor ought to imprison me upon any pretext, at least without the Houses licence first obtained. If a Prisoner of Warre, which I cannot probably be, being never in Arms, and apprehended near the Commons House dore, going peaceably and unarmed thither, to discharge my duty; then you, and your Officers thereby acknowledge, That you have levied Warre against the Parliament, and its Members: and what capitall offence this is, and what a punishment it deserves, I need not informe your Lordship, or your Councell, who have for this very crime, condemned and shot some to death, as Traytours: and demanded speedy justice and execution for it upon the King himselfe.

I have but one thing more to trouble your Lordship with, and that is, to demand whose Prisoner I am? having yet seen no Warrant nor Order from your self, or your Officers, for my restraint, though I have oft demanded it of your Marshall: If your Lordships Prisoner, there appearing yet no legall Authority, cause, or Warrant, for my restraint; I must then crave so much justice from your Lordship (being but a Subject, and not yet paramount all Lawes) to order your Attorney to give an Appearance for you in the *Kings Bench*, the first returne of the next Terme, to an action of false Imprisonment, for this my unjust restraint; which I intend (by Gods assistance) effectually to prosecute. If your Officers Prisoner onely and not yours, which I conceive, who yet abuse your name and authority herein, though it be a rule in Law and Divinity too, *Qui non prohibet malum quod potest, jubet*; yet I shall be so just as to set the saddle upon the right horse, and commence my action onely against such of your Officers, who have been most active in my Imprisonment, for damage and reparations; which if there be any justice remaining under Heaven, I doubt not but I shall recover in Gods due time, in this publique cause which so highly concerns the honour, freedom, and Priviledges of Parliament, and Subjects Liberties: for defence and maintenance whereof, as I have hitherto spent my strength

Strength, and adventure my life, body, liberty, and estate, so shall I now againe engage them all, and all the friends and interests I have in Heaven and Earth, rather then they shall suffer the least diminution, prejudice or eclips by my stupid patience under this unjust captivity; though I can as willingly forgive and put up private injuries, when the publique is not concerned, as any man. All which, I thought meet to informe your Lordship of, whom I am heartily sorry to see somuch dishonoured, abused, and misled by rash ill-advised Officers, and dangerous, destructive (and I dare say Jesuiticall) Concells, to the Parliaments dissipation, the Kingdomes prejudice, Irelands losse; most good mens and Ministers grieve, your best Friends astonishment, your enemies and the papists triumph, our Religious Scandall, and your own dishonour: which I beseech you as an Englishman, a Christian, a Professor of Piety and Religion, a Souldier, a Generall, to lay sadly to your heart, as the earnest request of

From my Prison at the
Signe of the Kings
head in the Strand,

Jan. 3. 1648.

Your Lordships faithfull Friend
and Adonisor,

William Pryn.

¶ An additionall Postscript.

VVE read, Luke 3. 14. that when the Souldiers demanded of John Baptists, saying, and what shall we doe? he said unto them, Doe violence to no man, (or put no man in feares) neither accuse any falsly, and be content with your allowance: not Imprison, Depose, or murder Kings, pull downe Parliaments, Imprison, violently shut out and drive away Parliament-men; and then lay all false accusations and Scandalls upon them to colour your violence, subvert Kingdomes, alter States, breake all bonds of Lawes, Oathes, Covenantes, Obligations, Engagements to God and men; Usurpe all Civill, Military and Ecclesiasticall power, and the Kings Royall Pallaces. into your own hands, as supreme Lords and Kings, raise what new forces, and leavie what new Taxes you please, take up what Free quarters and Houses, seize and plunder what publick Treasuries and monies you please

please, without Commission or Authority, obey neither God nor Man, neither Parliament nor Magistrate; and be content with nothing, but alter and subvert all things. These are Saint Peters new Doctrines and Revelations, to our Officers and Souldiers now; and those Jesuits who lurke amongst them, not *John the Baptist*, whose Canonick advice is now rejected as *Apocrophall*, even among the Army Saints, who preferre every *Ignis fatuus*, though from *Doway* or *Rome* it selfe, before this burning and shining old light, and are guided only by a new minted Law of pretended providence or necessity of their own forging, and not by the revealed will and Law of God, the sacred light whereof their present works of Darknesse dare not approach, lest they should be reproved and condemned by them. But some 43. Actions of false imprisonment by the imprisoned, and 150. Actions of the Case by the Secluded Members, brought against those domineering Lawlesse Officers and Grandees of the Army, wherein good dammages will be recovered, and some twelve Indictments of High Treason against them for laying violent hands upon the Kings Person, and the Members, and Leavying War against the Parliament, will teach them more Obedience, Humility, and modesty then either *John Baptist*, *Saint Paul*, *Saint Peter* or *Saint Peters* will doe; and be like *Gideon* thornes and briars of disciplin to these men of *Succoth*, with whome no faire means will prevaile; who might have learned so much Law and Justice from an Heathen Souldier and Governour *Festus*, *Acts* 25. 27. *It seemeth unto me unreasonable to send (much more to commit) a Prisoner, and not wishall to signifie the Crimes laid against him; and come short of that ingenuity of the heathenish Chiefe Capitaine who seized upon Paule, thereby to appease the Tumult at Hierusalem. Acts* 22. 27. 29. who as soone as ever *Paule* told him, *he was a Roman, and Free-borne; then straight way they departed from him who should have examined him; and the Chiefe Capitaine also was affraid, after he knew that he was a Roman, and because he had bound him.* And should not false imprisoning of a Parliament man and a Free-borne English man be as formidable to our chiefe Captains (being a Christian; I say, sworne and vowed to defend the Houses Priviledges, and Members Persons) as the Imprisonment of a Roman was to this chiefe Capitaine, and they as ingenious and just

as he, who shall rise up in Judgment against them, and condemn them at the last.

I shall close up all with this observation, That as the most glorious Angels in Heaven, when they fell (through pride and ambition as most conceive) became the very foulest Devils in Hell ; so the most resplendent seeming hypocritieall Saines when they fall through the like sinnes, and have power in their hands, become the most incarnate Devils, and Monsters of treachery and tyranny upon earth, exceeding Turks and Pagans therein, of which we have now sad experience in our Army Saines, who every day aggravate, and yet justify their impieties and exorbitances. 2. *Chronicles* 28. 11. *Now heare me therefore, and deliver the Captives again, which ye have taken Captives of your Brethren ; for the fierce Wrath of God is upon you.*

Will: Pryn.

65.
Another forged Letter endeavoured to be fastned upon Sheriffe *Brown*.

The Saines having nothing to say against Major Generall *Browne*, (unless they should accuse him for being true to King, Parliament, Citle, and Kingdome, and to all the first declared Principles of this Parliament) fell to their old trick to fasten another counterfeited Letter upon him : wherefore a Man comming to *S. James*, (where he was then imprisoned) desiring in the hearing of all present, to speake with him in private ; Major Gen. *Brown* told him He was not for private conference, and bade him speake openly ; then the Fellow presented a Letter to him, saying. It was from the Prince : but Major Gen. *Brown* (remembering the like trick put upon him before) called for the Guard to apprehend him ; when presently the Messenger threw the Letters into the fire, and the Marshall catching them out half burnt, affirmed, He saw *Charles* print, written upon them. Sanctified eyes may see through the Spectacles of their own fantasie what they please to accomplish their Designe, and therefore they have a new Principle or light (which is the 7. *May*, be added to the aforesaid 6.) that though they have no proofs nor evidence against a man, yet if in their consciences, they think him guilty, they may condemn him upon the testimony of their owne consciences ; this is to condemne by Revelation such whose bloud they desire to sucke. This supposed Messenger from the Prince was seized by the Guard ;

Guard, but no proceedings against him heard of; which argues it was but a snare set to catch the Major.

About this time (to second this device) a Man gallantly clothed, and mounted, comes to the *Beare* in the *Strand*, gives the Hostler a Peece, and bids him have a care of his Horse; then goes into the City, and (the plot being forelaid) was taken there with Letters subscribed with the Princes name to divers Citizens and Members, against whom they want matter of accusation: I heare no more of this matter yet; this is a device dormant, to be awakened hereafter, if any shall oppose the present actings of the Army and their Parliament.

Cromwell, *Ireton*, and *Hugh Peters* have severall times made it their errand to go into the City and visite the Ministers, giving them threatening Admonitions, not to Preach any thing against the Actings of the Army and their parliament: But *Hugh* acted his part above them all; he tooke some Muskietiers with him to the house of Master *Calamy*, and knocking at the dore, a Maid asked whom he would speak with? he told her, with her Master; shee asked his name? he replied, Mr. *Hugh Peters*: the Maid going up the staires to acquaint her Master (who was above staires in Conference with some Divines) overheard *Peters* say to the Soundicrs, The very name of *Peters* will fright them all: *Peters* being called up the staires, told Mr. *Calamy*, He was commanded by the Generall to warne him to come before him: Mr. *Calamy* (leaving *Peters* vapouring and canting Religion and nonsense to the rest of the Divines) slipt down staires and went to the Generall to know his pleasure; telling him He had been summoned before him by *Hugh Peters*: the Generall said, *Peters* was a Knave, and had no such directions from him.

Since this, the Councell of Warre (finding it difficult to stop the Ministers mouths) have sundry times debated, How to shut up the Churches dore in the City, for Reformation of the Church, and propagation of the Gospell: they have imprisoned Mr. *Causton* a worthy Minister, for praying for King *CHARLES*, and threaten to try him for his life in the Upper Bench (forsooth) which all the Lawes call, the Kings Bench: and upon their new Acts of Parliament, made by a ninth part of the Members, the small remnant or Junto of the House of Commons; notwithstanding, by The

65
Another more general forgery to endanger whom the Faction please. It will be proved that divers Witnesses have been practised and tampered with against Mr. *Brown* and others, to give the London Ministers threatened. See the Ministers of London Letter to the Generall, called, [A serious representation.] dated Jan. 18. 1648.

The C. of War consider how to shut up the Churches dore.

Directory for publique worship, (established by both Houses) the Ministers are enjoyned to pray for the King. It is said that Monsieur *Paux* (one of the Dutch Agents here) hath advised *Cromwell*, to stop the Ministers mouths by hanging up a dozen of them; and vouches a president for it in the Low Countries.

Jan. 9. The Lords sate againe and passed some Ordinances, which they sent downe to the Commons for their concurrence, to seele their puls, whether they would vouchsafe to take so much notice of them? the Commons laid them aside after some expressions of disdain.

68
The Lords sent
some Votes to
the Commons
for their con-
currence.

69
Sergeant *Darby*
proclaimeth
the sitting of
the new High
Court of Jus-
tice.

This day Sergeant *Darby*, Sergeant at Arms to the Commissioners for triall of his Majesty, rode into Westminster-hall with the Mace belonging to the House of Commons upon his shoulders; and some Officers attending him, all bare, and 6 Trompetors on horsback before him, Guards of Horse and Foot attending in both the Palace yards, The 6 Trumpetors sounded on Horseback in the middle of the Hall, and the Drums beat in the Palace yards, after which a Proclamation was read aloud by Mr. *King*, one of the Messengers of the said High Court of Justice, to this purpose; to give notice, That the Commissioners were to sit to morrow, and that all those that had any thing to say against *CHARLES STUART* King of England might be heard. The like was done in *Cheapside*, and at the Old Exchange.

70
The Gr. Seale
Voted to be
broken.

71
Mr. *Pryn*s Me-
mento to the
unparliamentary
Junto.

This day the remainder of the House voted their Great Seale to be broken, in order to the making of a new one, justly putting the same affront upon their own Seale, which they had formerly put upon the Kings. Upon this occasion Mr. *Pryn* (it is said) published his Memento to the unparliamentary Junto, therein telling the House, That being forcibly secluded from the House by the Officers of the Armies violence, whereby he could not speak his mind to them freely in, or as the House of Commons, yet he would write his thoughts to them as private persons onely under a force, consulting in the House without their fellow Members advice or concurrence, about speedy Depositing and Executing King *CHARLES* their lawfull Sovereigne, to please the Generall Officers, and Councell of the Army. (who have usurped to themselves the supreme Authority both of King and Parliament) or rather the Jesuits and Popish Priests among them.

1. By the Common Law the Stat. 25. Edw. 3. and all other Acts concerning Treason, *It is High Treason for any man by overt act to compass the death of the King, or his eldest Sonne, though never executed; and so adjudged by Parliament in the Earle of Arundels Case, 21. Ric. 2. Plac. Coron. n. 46. 7.*

2. In the Oath of Allegiance (which every man takes before he sits in Parliament) you acknowledge him to be lawfull and rightfull King of this realme; and that the Pope neither of himselfe, nor by any Authority of the See of Rome, or by any other means, with any other, hath any Power or Authority to depose the King, &c.

3. Your selves amongst other Members, in above one hundred Remonstrances, Declarations, Petitions, Ordinances, &c. in the name of the Parliament have professed, you never intended the least hurt, injury, or violence to the Kings Person, Crowne, Dignity, or Posterity; but intended to him and his Posterity more Honour, Happinesse, Glory, and Greatnesse then ever any of his Predecessors enjoyed. That you would make good to the uttermost with your lives and fortunes the Faith and Allegiance you have alwaies borne to him. That all Contributions, Loans, should be employed only to maintaine the Protestant Religion, the Kings Authority, Person, Royall Dignity, Laws of the Land, Peace of the Kingdome, and Priviledges of Parliament. That the Forces Raised by the Parliament were for defence of the Kings Person, and of both Houses. That the Parliament will ever have a care to prevent any danger to his Person. That they are resolved to expose their lives and fortunes for maintenance of the Kings Person, Honour, and Estate, and the Power and Priviledges of Parliament, when the King taxed the Houses for insinuating, that if they should make the Highest president of other Parliaments their pattern (that is, depose the King) there could be no cause to complain of them. Both Houses by two Declarations protested against it, saying, That such thoughis never entered, nor should enter into their Loyall Hearts.

4. By the Protestation they declare in the presence of God to defend the Kings Person and Estate and that their Armies under Essex and Fairfax were raised for that purpose inter alia.

5. By the Nationall Covenant they vowed to defend the Kings Person and Authority in preservation of true Religion and Liberties.

Col. 5. in 2. 4. 1.
Stamps. Pleas of
the Crown, 1.
c. 1. 2.

Exa^o Collect.

p. 16. 19. 21. 29
66. 83. 102. 103
113. 123. 125.
141. 142. 143.
173. 180. 195
219. 259. 281.
307. 380. 312.
360. 376. 457.
A Collect. &c.
p. 13. 18. 41. 43
44. 49. 51. 61
64. 96. 118. 123
310. 321. 424.
425. 496. 599.
623. 696. 806.
807. 879.

Appendix. p. 15

Exa^o Collect.
pag. 298. 695.
696. 657. 658.
991.

Collect. of all.

Orde. p. 8. 13.
41. 43. 44. 49.
51. 61. 64. 66.
97. 623. 496.
879. Appendix
pag. 15.

of the Kingdom, and that they will all be dailie of their lives deni-
nue in this Covenant against all opposition.

6. You monopolize the supreme power into your owne hands ;
robbing both King, Lords, and the rest of your fellow Members
thereof, whom you are content should be violently shut out by
your Army, who have leavied Warre against the Parliament to
dissolve it; till the removall of which force, and restoring your
Members with freedom and safety, you ought not to sit or Act
by your Atties owne doctrine in their Remonstrance, August 18,
and by the Declaration and Ordinance of both Houses, August 20.

1647. See at R. 2. c. 12. H. 4. c. 3. 31 H. 8. c. 10. 39 H. 6. c. 1. See
the memorable Record, 6. E. 3. Part apud Eborac. 152. dorse clauso.
6. E. 3. m. 4. 6 E. 3. apud Westm. Parl. Ann. 13 E. 3. parl. 2. n. 4. and
many more Rolls, where Parliaments when any considerable number
of Members of either House were absent, refused to sit (though under
no force) till the Houses were full.

7. You have neither Law nor president for what you doe, Edw. 2.
Rich. 2. were forced by Mortimer and H. 4. to resign their Crowns
in a forcible way, one to his Sonne, the other to his conquering Suc-
cessour, neither of them to the Parliament, and at last Deposed by a
subsequent Sentence of Parliament, as unfit to Reigne, without any
formall Trial.

* Jan. 14. 1648. The House read the Answer of the Generall
Councell of the Army concerning the secured and secluded Mem-
bers, and (as I have formerly said) without hearing what the said
Members could say for themselves; approved the Matter of it: where-
upon the secured and secluded Members, 20. Jan. 1648; (with much
adoe) got printed their Vindication against the aspersions cast upon
them in The humble Answer of the Generall Councell of the Officers
of the Army, concerning the securing and secluded the said Mem-
bers: The sum whereof is as followeth.

By the Preamble of this Answer, and by the Proposals of the
6. Decemb. and the late Declaration and Remonstrance therein
cited, it appears this designe to break the House by force, hath
been long since plotted and contrived which action. The Generall
Councell of the Army in their said Answer, say, *It is lawful in it
self irregular and not justifiable, save by honest necessities or extra-
ordinary necessity*: the weakness of which Answer we must exa-
mine,

Alfo, 15; E. 3.
a. 1. 17 E. 3. n.
2. 6. 18 E. 3. n. 1
2. 5. & c. n. 2.
n. 1. 2 R. 2. n. 1.
3. R. 2. n. 1. 4 R.
2. n. 1. 5 R. 2.
Parl. n. 1. Par.
2. n. 1. 8. H. 4. n.
28.

The Armes
party in the H:
approve the
matter of the
C. of Officers
accusatory an-
against the se-
cured Members
without hear-
ing them;
See M. 10. Gae-
res an. & that
illy Sophister
J. Goodwin
called, Might
overcoming,
right.

73.
The sec. & seel.
Mem. Defence
against the
fancifullous An.
of the C. of W.

mine, but first must state the case between us: *They are an Army raised by Ordinance of Parliament of 15. Febr. 1644. for defence of King and Parliament, the true Protestant Religion, the Lawes and Liberties of the Kingdom, and to be from time to time subject to such Orders and directions as they shall receive from both Houses of Parliament: and to this end they stand Commissioned by them, and receive pay from them to this day.* And besides this trust thus lying upon them, they are under the obligation of a solemn Covenant, sworn to God, *That they will in their place and callings, with sincerity, reality, and constancy with their estates and lives, preserve the Rights and priviledges of the Parliament, and the Liberties of the Kingdom, and defend the Kings Person and Authority in defence of the true Religion, and Liberties of the Kingdom;* they being under the said trusts and Oath, march up to Westminster (contrary to order) in a hostile way, forcibly secured, secluded, and drove away many of the Members: the Question is; *Whether this Action be Justifiable upon pretence of Honest intentions and Necessity.*

Their good intentions cannot be knowne but by their expressions and action; and they referre us to their Proposals, Declarations, and Remonstrances, where we find their desires are:

1. *To take away the Kings life.*
2. *To take away the lives of the Prince, and the Duke of York; at least to dis-inherit both them and all the Kings Children.*
3. *To put a period to this Parliament.*
4. *To set up a new Representative of their own, which takes away all Parliaments.*
5. *To have an Elective King, if any.*

These are their Honest intentions for publique good, which must come in to justify their waging warre against their Masters this Parliament: To name them, is to confute them; as being apparently against the Lawes of God and the Land, under which they live, and which they are engaged to maintain; we shall produce no other Witnesses to prove this but themselves. On the 15. of Novemb. 1647. *The Agreement of the people;* (which is lower in demands than their what they call, *Honest intentions for publique good*) was condemned by the Army. The promoting it in the

Army judged *mutinous and capital*; Col. Rainborough and Major Scot complained of in the House for appearing in it; and the Paper it selfe adjudged by the House, *destructive to Government and the being of Parliaments.*

The second pretence or Principle is, *Extraordinary Necessity for the same end.*

To this we say, 1. The Army made the same plea of Necessity in their Remonstrance, *June 23. 1647.* upon quite contrary grounds to what they expresse now, and both to justify the same violent proceedings against the Parliament; then, when the King was seized upon by a party of the Army (without Order from the House) and the Army advanced against the Parliament. They say in their Letter to the House, *July 8. 1647.* *There have been severall Officers of the Army upon severall occasions sent to his Majesty; the first, to present to him a Coppy of the Representations; and after that some others, to render him a Coppy of the Remonstrance: upon both which, the Officers sent, were appointed to cleere the Sence and intentions of any thing in either Paper, whereupon his Majesty might make any Question.* There the Army Treated with the King, yet now they offer violence to the Parliament for Treating with the King. Then in their Remonstrance, *25 June, 1647.* they say, *We clearly professe, we doe not see how there can be any peace to this Kingdome firme and lasting without a due consideration of, and provision for the Rights, quiet, and immunities of His Majesties Royall Family, and his late Partakers: now they judge the Majority of the House corrupt for moving one step towards a Peace with the King; though he hath now granted more to them then all the Armies Proposals then demanded of him. Thus they make this a general plea of necessity serve to justify the contradictions; which they are put to by making themselves Judges of those things they have no calling to meddle with; for by what Authority are they Judges of publique Necessity?*

Turne back to
sect. 2. and see
my Aniadvers.
upon the Rem:
of the Army,
20. Nov. 1648.
p. 4. 5. 6. 7.

The Parliam:
thought it not
reasonable the
King should be
sole Judge of
publique necessi-
ty in case of
ship-mony. Re-
turne to sect.
18. where I set
downe 6. of
their principles

2. This Principle (*Necessity.*) is destructive to all Government, for as the Generall Officers urgeth *necessity* for acting against the commands and Persons of his Superiours; and arrogates to be Judge of that Necessity, the Inferior may urge the same Necessity (in his judgment) to Act against the commands of his Generall. The Souldiers against their Officers: any other

10000. men in this Kingdome against this Army; and this Army (as against this Parliament) so against any other Representative or Government; and so in infinitum.

3. The Commons in Parliament are not accountable for the use of their trust to any but the House; being Trustees of the People not by delegation, but by translation: all the Power of the People being transferred to them for advising, Voting, and assenting (according to their judgments, not according to the judgments of those that sent them) for otherwise the parties Electing, and those Elected, differing in judgment, one might protest against what the other had done, and so make void all Acts of Parliament. But if their Acts were valid or void at the Electors judgments; yet were the Members onely accountable to them that sent them, not to strangers, and in no case to the Army; who are themselves but in subordinate trust to the Parliament for their defence.

4. This violence upon the Members, is not only contrary to the Armies trust; but against their Covenant and Protestation; the breach whereof being a mortall evill cannot be made good by honest intentions and necessity.

The particulars of the said Generall Officers Answer, upon which this pretended necessity is ground, are six; but we must first take notice what is said from the end of the second pag. to the end of the fifth, before we enter upon them: the sum is, *That by the inducements of some Old Malignant Members, and by practises used in new Elections, there came in a flood of new Burgeses that either are Malignants or Neuters.* To this we say, what is done by the majority is the Act of the whole House; and what is done against the majority, is done against the whole House: nor was the ordinance for new Elections carried on by old Malignants; unlesse the major part of the House were alwaies such; and before the new Elections. It is not hard to shew that many of the Officers of the Army came in upon the last elections; and were chosen by those places where they are scarce known: upon what influence therefore they came in, let the World judge. And now for the said 6. particulars objected,

of their own party, who had the advantage to keepe them and abuse their owne time: and Souldiers (under colour of keeping the peace) became great Sucklers in elections,

The Commons have their Authority from the Writ of Election, though their election frō the People: See the Writ, *Crompton's Jurisdiction of Courts, Tit: Parliament.*

In all elections there were two Independents chosen for one of any other Principles; Independents were then Commissioners for the Great Seale, and delivered Writs to men

The Army betrayed Ireland by their disobedience. They would neither go for Ireland themselves, nor suffer others to go. 1. Part. Sect. 14. & 55. 57.

This Lord went late, carried a-
ver. 160000 l.
for which he
hath not yet
accounted, be-
gan a quarrell
with Inchiquin
and put him
into discon-
tent, and then
returned.
See the Irish
Letters and
Papers to the
House in
Print.

1. *The betraying of Ireland into the Enemies hands; by recalling the Lord Lifford from his command there, and putting the best part of the said Kingdome and where the Parliament had the strongest footing (Munster) into the hands of Inchiquin a Native Irish; who hath since Revolted from the Parliament, hath lately united with the Irish Rebels; and with them and O'Donnell for the King.* To this we say, the Lord Inchiquin came in and brought Munster to the Parliament, and preserved their Interest in Ireland, in all the heat of their Warres in England, when they had little other Interest there, and little means to relieve them; the Lord Lytle was not recalled from his Command there, but his Commission for Lord Lieutenant expiring, 15. April. 1647. on the 17. April, he hoysed sail for England: after the Lord Lytle's returne for England, the Lord Inchiquin did gallant service against the Rebels, tooke many strong holds from them, and won the Battle of Knockenowes, one of the greatest that ever was gotten of the Rebels. The House therefore approved of his behaviour until 3. April, 1648. when (the Army having led the way) the Lord Inchiquin (taking distast thereat) by way of imitation began to enter into Engagements and Remonstrances against the Parliament, (as it was then constituted) for which he made the Remonstrances, Engagements, and Declarations of the Army the Summer before, both the cause and precedent; as by the Printed Relation doth appear.

2. *Their endeavours to bring in the King upon His own Terms, without satisfaction and security to the Kingdome, viz upon His Message of the 10. of May, 1647. and to this end to Disband this Army before any peace made or assured.* To this we say, the House of Commons upon the first notice thereof, voted the said Engagement of the 12. of May, Treasonable; and by Ordinance, 17. Decemb. 1647. put an incapacity upon such Citizens as had any hand in it; which evidently we were here in a right majority, as in other parts of their Paper they take the Votes of the House to prove us a corrupt majority. The charge here lying in general and not fixed upon any particular. Concerning *Disbanding the Army*; we say, the House voted 8 Regiments of Foot, 4. of Horse and 1. of Dragoones, to be sent out of the Army for Ireland, and resolved to keep 10000. Foot, and 5400. Horse under the Command of the

the Lord Fairfax for defence of England. This was, 1. For refusing Ireland. 2. For easing the heavy pressures of the poor People in England. And 3. an honourable employment for the Forces of the Army, to prevent such high distempers as have since ensued.

3. *That they endeavoured to protect the 12. impeached Members from justice, and wish them to raise a new Warre.* To this we say we gave them no other protection than the Lawes allowed them. For the mispending 200000 l. designed for Ireland; we say, that 80000 l. thereof was paid to *Nicholas Loftin*, and others, for service of Ireland, and above 50000 l. to the Treasurers at Warre (for the Army; which may more reasonably be said to be misemployed (because the Army had an established pay another way) than what the Reformed Officers and Souldiers (who obeyed the Orders of the House for Disbanding) received; who nevertheless pressed upon the House the more earnestly for their arrears, after the Declarations and Remonstrances published by the Army for paying the Arrears of all the Souldiers of England.

4. *Their countenancing, abetting, and partaking with the Tumult of Apprentices, and others against both Houses of Parliament.* To this we say, that we wonder they should urge the force offered to the House then (which they declared *barrid and unreasonable*) to justify the violence acted upon the House by themselves, of a much higher nature. This is a mere fiction of the Penmen, which we do every one of us for our selves respectively deny.

5. *The holding correspondency, ingaging, and assisting the tumultuous Petitioners last Spring; the rebellious Insurrections in Kent, the Revolted Ships, Prince of Wales, with the Scots Army: We doe c.* every one of us for our selves respectively deny these.

6. *That when the Army was dispersed and engaged in severall parts, &c. and many faithfull Members employed abroad in publicke services; and others through Malignant Tumults about this City, could not with safety attend the House, Then the corrupt and Apostating Party taking advantage of these distractions which themselves had caused. First recalled in those Members, &c. Then they recall'd those Votes for Non-Addresses, and voted a personal Treaty.* To this we say, that if the proceedings of the Treaty were faithfully

See my 1. part. sect. 16. 17. 18. and my said advertisement p. 2. neither were they legally impeached, See *Arduary*, xi. or twelve tedious doubts written in defence of the expelled Members; and the said Members Answer to the Armes Charge.

There was a close Inquisition of Godly Cut-throats purposely chosen to examine this Tumult; which proceeded illegally, and used so much foule play as to accuse man upon characters of their cloaths & persons; yet malice it selfe could find nothing. See my 1. part. sect. 45. 46. to sect. 54. Returne to sect. 2. & 5.

Return to Sect.
2. and 5. there
see the true
grounds of
these Tumults.
See what use
they make of
providence in
the 2. part of
Englands new
Chains.

See Mr. Prym's
said Speech in
the House, 4:
Decemb. 1648.
more at large.

tionously gotten in a thin House, why do they then complain in o-
ther parts of their Paper, *That the majority of the House is corrupt,*
and *formed to serve the Kings corrupt Interest?* why did they force
from the House above 200. Members at once; the Counties never
expressed so high contempt of the Parliament, untill the like had
been first done by the Armies quartering upon them.

And now let us come to that Vote of the House, 5. Dec. 1648.
*That the Kings answer to the Propositions of both houses are a ground
to proceed upon to a settlement of Peace:* of which they say, *That
though they advanced hither to attend providence for opening some
way to avoid the present evils designed, and introduce the desired good
into the Kingdom, yet they said nor acted nothing in relation to the
Parliament, nor any Member thereof, untill by the Vote passed,
Decemb. 5. they found the corrupt majority so resolutely bent to com-
plete their designe in bringing in the King. Doe they call their
threatning Declaration and Remonstrance a saying nothing? and
their marching up against the House, contrary to the Order of the
House, a doing nothing in relation to the Parliament? But by these
words it appears that this Vote, 5. Decemb. is the very point of that
necessity they now relie upon to justify their force upon the House.
For, before that passed, they say, *They acted nothing, &c.* we must
now state the difference betweene the Houses Propositions, and
the Kings Answers; and see whether the King did not grant all
those Propositions in which the maine security of the Kingdome
resteth.*

He granted the first Proposition for taking of all Declarations, as
was desired.

And the third Proposition for the Militia as was desired.

He assented to the Proposition for Ireland, limiting the time of
the Parliaments disposing Officers there to 20. years.

He consented to such Acts for publique Debts and publique U-
set, as should be presented within 2. yeares, and insur'd within that
time.

He granted the Proposition concerning Peers, as was desi-
red.

He granted the Disposing Offices in England, to the Parlia-
ment for 20. years.

He granted the taking away the Court of Wards, having 100000 li.

per

per ann. in lieu thereof to be raised as the Parliament should think fit.

He granted to Declare against the Marquisse of Ormond's power and proceedings after an agreement with the Parliament.

The only difference therefore remained upon two Propositions.

1. *Delinquents.*

2. *The Church.*

For Delinquents, though he doth not grant all, his Majesty consented they shall submit to moderate Compositions, according to such proportions as they and the two Houses should agree.

He disabled them to beare Office of publique Trust, and removes them from the Kings, Queens, and Princes Courts.

3. For such as the Houses propounded to proceed capriciously against, He leaves them to a Legall Triall; and Declares, He will not interpose to hinder it; which satisfies the maine complaint of the Parliament, which was (in the beginning of the Warre) That the King protected Delinquents from Justice. And all that the House desired in the Propositions presented to him at Oxford, Febr. 1648. was, That his Majesty would leave Delinquents to a Legall Triall and Judgment of Parliament. But that his Majesty should joyne in an Act for taking away the Lives or Estates of any that have adhered to him (he truly protesteth) He cannot with Justice and Honour agree thereto.

4. Nor doe wee see how Delinquents (being left to the Law) can escape justice, the King having granted the 1. Proemiall Proposition, and (so by a Law) acknowledged the Parliaments cause and War to be just.

For the Church. The Houses propound the utter abolishing of Archbishops, Bishops, &c. The Sale of their Lands, that Reformation of Religion be settled by act of Parliament as both Houses have, or shall agree. The Kings Answer takes away Church Government by Archbishops, Bishops, &c. by taking away their Courts and Officers, and so far takes away their power of Ordination that it can never be revived againe but by Act of Parliament; so that Episcopacy is divested of any actuall being by the Law of the Land, and instead thereof the Presbyterian Government settled for three years by Law; which is for so long a time as the

Houses formerly in their Ordinances presented to Him at New-castle did themselves think fit to settle it : For the Sale of Bi-

shops Lands upon the Publique Faith ; we say, That although the Purchasers might well have afforded to have given the same rates for their Purchases (which they now give) if they might have had them assured by Act of Parliament for 99. yeares, and such moderate Rents reserved as the King intimates in his Answer : yet (in His Answer) He expresseth a farther satisfaction to be given them ; upon which we should have insisted, notwithstanding the said Vote.

Every cheating Saint of the Faction must have the publique Faith exactly kept, though he bought the Lands but at 2. or 3. yeares just value, and with such monies as he had formerly cheated the State off ; when other men who have lost the best part of their Estates by and for the Parliament, for compensation whereof they have the Publique Faith engaged by Ordinances, are consumed by Taxes, and repayed with reproaches onely.

5. Decemb. 1648. We farther alleage, That the King having granted the rest of the Propositions, and so much in these 3. Delinquents, and the Church ; the Nationall Covenant doth not oblige us to make Warre upon this point : nothing can make Presbytery (nor the Purchasers of Bishops Lands) more odious, nor endanger them more, than to make them the sole obstacle of peace ; nor could any thing more work the King to comply with our desires herein than for us to draw a little nearer him.

The Considerations leading us to passe the said Vote, 5 Dec. 1648 come next to be considered :

1. *The saving of Ireland.*
2. *The Regaining the Revolted Navy and freedom of the Seas.*
3. *The support of the Ancient Government of the Kingdoms.*
4. *The putting the people into a secure possession of their Laws and Liberties.*
5. *The avoiding such evil consequences as were apparently to follow a Breach with the King.*

As 1. the Depositing the King ; if not the depriving him of life whereupon floods of misery will follow, & scandall to the Protestant Religion, which we (from our hearts) detest and abhorr : see the many Declarations of Parliament against it.

2. The necessitating of the Prince to cast himself into the Arms of foreign Popish Princes, and embrace Popish Alliances for his succour.

3. It may beget a change of Government, and a laying aside of Monarchy here: and so a Breach with Scotland, and this Kingdom (being the more rich) likely to be the State of the War.

4. The vast Debts of this Kingdom upon the Publique Faith will never be paid in Warre, but increased and multiplied: multitudes of Sufferers by, and for the Parliament like to be repayed only with new sufferings, and every years Warre destroys more Families, and makes more Malignants through discontenting pressures: untill at last the Souldier seeing no hope of pay, the People no hope of peace and ease, fall together into a generall and desperate tumultuousness; the power of the Sword apparently threatening a dissolution of Government both in Church and Commonwealth.

To that scandalous Objection, which saith, *The corrupt majority will not lend an Ear to admit a thought towards the laying down their own power, or rendering it back to the People from whom they received it.* We say, this Objection is unreasonable from men who endeavour to perpetuate an Army upon the Kingdom; nor is the continuance of this Parliament singly objected, But that they will not render it back to the People, viz. To a new Representative, invented and made by the Army, that is, We will not render our power into the hands of the Army.

Another Objection is, *That whatsoever the King granted, He might plead Force to break it, and spoyle us by policy.* This Objection might have Been made against all our Treaties; If there be any Force, it is from the Army, for spoyleing us by policy. The Kings of this Land could never encroach upon our good Lawes; but by corrupt Iudges and Ministers who though they could not abrogate the Law, made it speak against it self, and the intended good of the People; or else by the power of Courtiers, stopping the course of justice at the Councell Table; and in other Arbitrary Courts; both which are taken away by the Kings Concessions.

1. That the Nomination of Judges and Officers be in the Parliament.

2. That the King make no new Parliament Lords for the future to Vote there.

Another Objection is, *That they had intelligence, that had they been*

For this you must take the faith of the misty-brained Pen-man, who had this (as well as many other grosse) Lies by Revelation.

The Army had had the King in their power, & had the Parliament adjourned, the sole power of the Kingd. had been left in the Army; which is a thing aymed at by them.

been suffered to meet all in the House once more; it was designed to have passed some higher resolutions; to lay further foundations of a new quarrell, so as to carry therein the name and countenance of Parliamentary Authority together with the Kings, upon an acceptable pretence of Peace, to draw men in, and then to have adjourned the Parliament for along time, excluding all remedy in this case but by another War. To this we say, the House immediately upon passing the Vote, 5. December Sent a Committee to the Generall to conferre with him and his officers, and keep a good correspondence with them, to which, the Generall promised his readynesse; howsoever it was hindred afterwards. And then they seized upon one of the Commissioners appointed to Treat, affronted another, and left no way free for a Conference, which shewes they were resolved to doe what they had designed.

The last Objis, That those Members that are yet detained in Custody, are either such as have been formerly Impeached, and (in part) judged by the House for Treason, and other Crimes; and never acquitted, and against whom they can, and very shortly will produce new matter of no lesse crime; or else such who have appeared most active and united in Councell with them: against whom also they are preparing, and shall shortly give matter of Particular Impeachment. To this we say, that when it appears what those crimes are, and what persons are charged with them, we doubt not but they will sufficiently acquit themselves, if things may be legally carried in a judiciall way by competent Judges not preingaged. In the meane time we conclude, that Souldiers, whose advantages arise by War; are not fit to judge of the Peace of the Nation.

The 19. Jan. 1648. Mr. Pryn, and Mr. Walker, (two of the secured Members) published in Print their Declaration and Protestation, against the Actings and Proceedings of the Army and their Faction now remaining in the House of Commons as followeth.

A Declaration and Protestation of VVill: Piyn, and Clem: Walker, Esquires; Members of the House of Commons: Against the present Actings and Proceedings of the Generall, and Generall Councell of the Army, and their Faction now remaining and sitting in the said House.

WHereas long since, for ease of the People, both Houses in a full and free Parliament Voted the Disbanding of this Army: in opposition to which, some Great Officers of the said Army, (to continue their rich commands) with some Members of the House of Commons, (who dayly enrich themselves by the troubles of the times) secretly mutinied the Army against the Parliament. And whereas, lately the farre major part of the House of Commons, pittying the bleeding condition, and teares of the oppressed People, Voted, and entred into a Personall Treaty with the King: without which (by the Armies owne confession in their Remonstrance at Saint Albons, p. 64) there can be no Peace; which the Army interrupted by obtruding upon the Commons a Treasonable Remonstrance, 30. November 1648. tending to destroy the King, and his Posterity, and wholly to subvert all Parliaments, Religion, Lawes, and Liberties for ever; whereby the Commons in Parliament found it absolutely necessary to prevent such pernicious innovations, by concluding a safe peace with his Majesty; whereupon (after mature debate) the House of Commons the 5. December 1648. Voted, *That the Kings Answer to the Propositions of both Houses upon the Treaty, were a ground for the Houses to proceed to the settlement of a safe and well grounded Peace:* Upon which, the Generall, and Councell of Warre, Wednesday morning, 6 December 1648. Seized and Imprisoned 41. of the Members going to the House of Commons to doe their duty, secluded above 160. other Members, besides 40. or 50. Members who voluntarily withdrew themselves to avoid their violence; leaving only their owne engaged Party of 40. or 50. Members sitting, who now passe Acts of Parliament of the House of Commons (as they call them) without the Lords; and comply with the said Councell of War, to carry on the said Remonstrance: To which purpose this present remnant of the

M

Commons

Commons have unvoted in a thin House, under the force of the Army, what was deliberately Voted in a full and free House; whereas by their owne Ordinance passed upon the Tumult of Apprentices, 20 August 1647. to null, and make void *ab initio*, all Acts, Orders, Votes, &c. passed under the said force: This remaining party ought not to sit, act, nor take upon them the style of a House, under so visible, actual, and horrid a force.

The premises considered, We, whose names are hereunto subscribed, Members of the House of Commons, doe declare and protest, that the said Generall, Commissioned Officers, and Generall Councell of the Army, by the said act of violence, upon the major part of the House, which Legally and vertyually is the whole House, have waged War, and rebelled against the Parliament their Masters, who raised them to defend the priviledges of Parliament, and the Kings Person and Authority, in defence of Religion, Lawes, and Liberties, and have thereby forfeited their Commissions, and have broken and dis-continued this Parliament; so that untill this force be removed, punished, the Honour of the Parliament and their wronged Members vindicated, and all the Members resumed, all the Votes, Orders, and Actings, Passed, and to be passed by this nominall House of Commons, are and will be void, *ab initio*, and all such as doe, or shall obey them, are and will be punishable, both by the Armies own judgment in their Remonstrance, August 18. and by the Houses Declaration, and the said Ordinance, 20. August 1647.

We doe further Declare and protest against this present House of Commons illegall Acts, Order, or Ordinance, for erecting a High Court of Justice, and usurping a power without any Law or President, to Trye, Depose, and bring to capitall punishment the King, and to Dis-inherit his Posterity, or any of them, and against the said Generall Councell of Officers, aiding and abetting them therein, as highly impious against the Law of God, Nations, and the Protestant profession, Traiterous against the Stat. of Treasons, 25. Edw. 3. and against all our Lawes and our Statutes; perjurous and perfideous, against the Oathes of Allegiance, Supremacy, Nationall Covenant, and Protestation; and all the Parliaments Declarations and Remonstrances held forth to the World; their Treaties and promises made to the Scots when they delivered

vered the Kings Person into our hands; against our promises made to the *Hollanders*, and other Nations, and against all the Professions, Declarations, Remonstrances, and Proposals made by this Army, when they made their Addresses to the King at *New-market*, *Hampton Court*, and other places.

January 19.

1648.

*William Pryn.**Clem: Walker.*

About this time the Generall Councell of Officers at *White-hall*, ordered, That two Petitions (or mandates rather) should be drawn, and presented to their House of Commons; One against Payment of Tythes; the other, for Repealing the Act for Banishment of the Jewes. Here you see they shake hands with the Jewes, and crucifie Christ in his Ministers, as well as in his Anointed, the King.

About this time Col: *Titchburn*, and some schismaticall Common-Councell-men, presented a Petition to the Supreme Authority the Commons in Parliament, demanding Justice against all grand and capitall Actors in the late Wars against the Parliament from the highest to the lowest: the Militia, Navy, and all places of power to be in faithfull hands, (that is, in their owne Faction; all others being displaced under the generall notion of disaffected) to settle the Votes. (That the supreme Authority is in the Commons in Parliament assembled.) They complained, That the Lord Mayor and some Aldermen denied to put their Petition to the Question at the Common-Councell, and departed the Court, with the Sergeant and Town-Clerk, That the Court afterwards passed it *Nemine contradicente*. The Commons thanked the Petitioners (for the tender of their assistance) and Ordered, That the Petition should be entred amongst the Acts of the Common-Councell, and awarded them for a Common Councell notwithstanding the departure of the Lord Mayor, &c. And about four or five dayes after, the Commons Ordered, * That any six of the Common Councell, (upon emergent occasions) might send for the Lord Mayor to call a Court, against the Ordinance, 17. Dec. 1647. disabling such as had any hand in the City Engagement to bear Offices.

77.

The Count of Officers order
2. Petition for the Com. House, 1 against Tythes, 2. against the Stat. for Banishing the Jewes.

76.

Col. *Titchburn* Pet. and Complaint against the Lord Mayor and their Orders thereupon. The like Petitions were invited from most Counties, where a dozen Schiff-mateicks & two or three cloaks represented a whole County

* See a just & tolerant Protest of the free Citizens of London.

upon Council, & in case of defaults call it themselves, & any 40 of them to have power to Act as a Common council without the L. Mayor, any thing in their Charter to the contrary notwithstanding. Thus you see the Votes of this Supreme thing (the House of Commons) are now become the onely Lawes and reasons of all our actions.

77
An Act passed for adjournment of part of Hilary Term, and the Lords concurrence re. jected.

The 16. Jan. 1648. was passed an Act of the Commons for adjournment of Hilary Term for forty dayes. This was in order to the Kings Triall; but the Commissioners of the Great Seale declared, That they could not agree to seale Writts of Adjournment without the Lords concurrence, (the assent of one Lord being requisite) their some Lordships, sent down to the Commons to offer their readinesse to joyn therein. But the Commons having formerly Voted, The Supreme Power to be in themselves as the Peoples Representative, and that the Commons in every Committee should be empowered to Act without the Lords. The Question was put, Whether the House would concur with the Lords herein? which passed in the Negative: so the Lords were not owned. Afterwards they ordered that the Commoners (Commissioners for the Great Seale) should issue forth Writts without the Lords.

78
The Agreement of the People presented to the House of Commons by the Officers of the Army. Diurnall from Jan. 15. to 22. 1648. nu. 286.

20. January, Lieut. Generall Hammond, with many Officers of the Army, presented to the Commons from the Generall and Council of the Army, a thing like a Petition, with The Agreement of the People, annexed. Mr. Speaker thanking them, desired them to return the hearty thanks of the House to the Generall and all his Army for their gallant services to the Nation; and desired the Petition and Agreement should be forthwith printed, to shew the good affection between the Parliament and Army. I cannot blame them to brag of this affection, being the best string to their bowe. About this time some well-meaning man (that durst think truth in private) published his thoughts under the Title of [Six serious Queries, concerning the Kings tryall, by the High Court of Justice,]

79
6. Queries concerning the Kings Triall by the new High Court of Justice.

1. Whether a King of three distinct Kingdoms can be condemned and executed by one Kingdom alone, without the concurrent consent, or against the judgment of the other two?

2. Whether if the King be indicted or arraigned of high treason, he ought not to be tried by his Peers? & whether those who are now nominated to trie him, or any others in the Kingdome, be his Peers?

3. Whether if the King be triable in any Court, for any Treason against

gainst the Kingdom, He ought to be tried only in full Parliament, in the most solemn and publique manner, before all the Members of both Houses, in as honourable a way, as *Strafford* was, in the beginning of this Parliament? And whether He ought not to have liberty and time to make his full defence, and the benefit of his learned council, in all matters of Law that may arise, in, or about his Trial, or in demurring to the jurisdiction of this illegal new Court, as *Strafford* and *Canterbury* had?

4. Whether one eight part only of the Members of the Commons House, meeting in the House, under the Armies force, when all the rest of the Members are forcibly restrained, secluded, or scared away by the armies violence, and representing not above one eight part of the Counties, Cities, and Boroughs of the Kingdom, without the consent and against the Vote of the majority of the Members, excluded and chased away, and of the House of Peers, by any pretext of authority, Law, or Justice, can erect a New great Court of Justice to Trye the King, in whom all the rest of the Members, Peers and Kingdom (being far the major part) have a greater interest then they? Whether such an High Court can be erected without an act of Parli. or at least an Ordin. of both houses, and a Commission under the Great Seal of *England*? and if not, whether this can be properly called a Court of Justice? and whether it be superiour or inferiour to those who erected it? who neither cannot or dare not tri and condemn the King in the Commons house; though now they style it, *the Supreme Authority of the Kingdom*: and whether all who shall sit as Judges, or act as Officers in it, towards the Deposing or taking away the Kings life, be not really guilty of High Treason, and all those who were aiding or assenting to the erection thereof in such an irregular manner, by the Lawes and Statutes of this Realme?

5. Whether those who are professed Enemies to the King, and by their Remonstrances, Speeches, and actions, professe they desire his bloud and seek his life, can either in Law or Conscience be reputed competent Judges to trie him for his life? It being a just exception to any Jury-man, who is to trie the basest or poorest Felon, and a legal challenge for which he must be withdrawn; that he is a professed Enemy and prosecutor who seeks his life, and therefore no lawful nor indifferent Trier of him for it.

6. Whether the triall and taking away of the Kings Life by such an illegal and arbitrary High Court of Justice, as this, will

The Answer of
the Generall
Councell of
Officers, touch-
ing the seclu-
ded and secu-
red Members,
Jan. 3. 1648.

not prove a most dangerous inlet, to the absoluteſt tyranny and bloudieſt butchery ever yet heard of, or practiſed in this, or any other Nation? and a ready way to teach us, how to chop off one anothers heads, till we are all deſtroyed? For if they may take away the Kings head in it without and againſt all rules of Law: then by the ſame of ſtronger reaſon, they may in like manner chop off the heads of any Nobleman, Peer, Member, Gentleman, or inferiour Subject for any imaginary treaſon or offence, and conſiſcate their Eſtates: there being no aſſurance they will ſtop at the Kings: And if thoſe who are confeſſed to be the majority of the Commons Houſe, & therefore excluded, or the Pr. of Wales next Heir to the Crown, or the Malignant party, or any other Faction whatſoever which may ariſe, ſhould at any time hereafter get the upper hand by the Peoples generall adhering to them; or any diviſions of the Army, or by any meanes Gods providence ſhould adminiſter (who hath thouſands of wayes to pull downe the proudeſt Tyrants and diſſipate the ſtrongeſt Armies in a moment, as he did *Senacheribs*, the *Midianites*, the *Moabites*, and *Ammonites*, with ſundry others recorded in ſacred Writ, and prophane Stories, and the Scots Army but few moneths ſince) they may by like authority and preſident erect the like new Court, to cut off the heads of all the Members now ſitting, and of the preſent Generall Councell of the Army, and all the Com- miſſioners acting in this New Court; and ſo fall a murdering and butchering one another, till we are all deſtroyed one by another, and made a ſpectacle of moſt unnatural tyranny and cruelty to the whole World, Angels, and Men, and a prey to our common Enemies. Upon which conſideration, let every man now ſeriously lay his hand upon his own breaſt, and ſadly conſider, what the bloody tragicall iſſue of this new *Phalaris* Bull, may prove to him or his: and whether ever Free-borne Engliſhman, (eſpecially of Nobleſt birth, and ampleſt Eſtate) be not deeply obliged, in point of prudence and conſcience, to uſe his utmoſt endeavour with hazard of life and eſtate, to prevent the erection of ſuch an exorbitant and illegal Authority, in the very riſe and foundation, be it be over late, and not patiently ſuffer a raſh inconfiderate number of Hot-ſpurs (of meane condition and broken deſperate fortunes for the moſt part) out of private

malice, feare, or designes to secure and enrich themselves by the ruines of others of better fortunes and quality; to set up such a new shambles to butcher and quarter the King, Nobles, Parliamentment, Gentlemen, and persons of all conditions, as was never heard of among Pagans or Christians, from the Creation to this present, and will no way suit with our English soile, already overmuch watred with English blood; and so deeply ingaged against all Arbitrary and Tirannicall usurpation and proceedings (especially capitall) in any hands whatsoever, which have cost us so much blood and treasure, to oppose and fight against for seven years last past.

Saturday, Jan. 20. 1648. The new thing called *The High Court of Justice* fate: *Bradshaw* being President, who had the Mace and Sword carried before him, and 20. Gentlemen (forsooth) with Partisans for his Guard, under the command of Colonell *Fox* the Tinker. An *O yes* being made, and silence commanded; the said Act of the Commons for erecting the said Court was Read; and the Court called, there being about 70 of the Commissioners present. Then the King was brought to the Bar by Colonell *Hacker* with Halberdeers, the Mace of the Court conducting him to his Chair within the Barre, where he fate. And then President *Bradshaw* said to the King, *Charles Stuart King of England, The Commons of England assembled in Parliament being sensible of the great calamities brought upon this Nation, and of the innocent blood shed (which are referred to you as the Author of it) according to that duty which they owe to God, the Nation, and themselves, and according to that power and fundamentall trust reposed in them by the People; have constituted this High Court of Justice, before which you are now brought, and you are to heare your charge upon which the Court will proceed.*

Solicitor *Cooke*. My Lord, in behalfe of the Commons of England, and of all the People thereof, I doe accuse *Charles Stuart* here present of High Treason and Misdemeanours, and I doe in the name of the Commons of England desire the Charge may be read unto him.

The King. Hold a little.

President. Sir the Court Commands the Charge to be read; afterwards you may be heard. The Charge was read, as followeth:

¶ The

80
The first daies
Triall of his
Majesty.

Prove this
power & trust
The whole
Kingdome (in
effect) deny it.
So doe all our
Law-books, &
the practice of
all Ages.

The Charge against King Charles the First,
January 20. 1648

The Charge
read.

THAT the said CHARLES STUART, being admitted King of *England*, and therein trusted with a *limited Power*, to Govern by, and according to the Lawes of the Land, and not otherwise: And by his Trust, Oath, and Office, being obliged to use the power committed to him, *For the good and benefit of the People*, and for the preservation of their Rights and Liberties; yet nevertheless, out of a wicked Designe, to erect and uphold in himselfe an unlimited and tyrannicall power, to rule according to his wil, and to overthrow the Rights and Liberties of the People; Yea, to take away, and make void the foundations thereof, and of all redresse and remedy of mis-government, which by the fundamentall Constitutions of this Kingdome, were reserved on the peoples behalfe; in the right and power of frequent and successive Parliaments, or Nationall meetings in Councell; He, the said *Charles Stuart*, for accomplishment of such his Designes, and for the protecting of himselfe and his adhearents, in his and their *wicked Practices* to the same ends, hath traiterously and maliciously levied War against the present Parliament, and the People therein Represented,

Particularly, upon or about the thirtieth day of *June*, in the yeare of our Lord, one thousand six hundred forty and two, at *Beverly*, in the County of *Yorke*: and upon, or about the thirtieth day of *July*, in the yeare aforesaid, in the County of the City of *Yorke*: and upon, or about the twenty fourth day of *August*, in the same yeare, at the County of the Towne of *Nottingham* (when, and where he set up his standard of Warre:) and also on, or about the twenty third day of *October*, in the same yeare, at *Edgehill*, and *Keinton-field*, in the County of *Warwicke*: and upon, or about the thirtieth day of *November*, in the same yeare, at *Brainceford*, in the County of *Middlesex*: and upon, or about the thirtieth day of *August*, in the yeare of our Lord; one thousand six hundred forty and three, at *Cavesham-bridge*, neere *Reading*, in the County of *Berke*: and upon, or about the thirtieth day of *October*, in the yeare last mentioned, at, or neere the City of *Gloucester*:

cester: And upon, or about the thirtieth day of *November*, in the year last mentioned, at *Newbury*, in the County of *Berks*: and upon, or about the one and thirtieth day of *July*, in the year of our Lord, one thousand six hundred forty and foure, at *Croperdy-bridge*, in the County of *Oxon*: and upon, or about the thirtieth day of *September*, in the year last mentioned, at *Bodmin*, and other places neer adjacent, in the County of *Cornwall*: And upon, or about the thirtieth day of *November*, in the year last mentioned, at *Newbury* aforesaid: and upon, or about the eighth day of *June*, in the year of our Lord, one thousand six hundred forty and five, at the Towne of *Leicester*: And also, upon the fourteenth day of the same moneth, in the same year, at *Naseby-field*, in the County of *Northampton*. At which severall times and places, or most of them, and at many other places in this Land, at severall other times, within the years aforesaid: And in the year of our Lord, one thousand six hundred forty and six, He the said *Charles Stuart*, hath caused and procured many thousands of the free people of the *Nation* to be slaine; and by Divisions, Parties, and Insurrections, within this Land, by invasions from forraigne parts, endeavoured and procured by Him, and by many other evill wayes and means. He the said *Charles Stuart*, hath not only maintained and carried on the said War, both by Land and Sea, during the years before mentioned; but also hath renewed, or caused to be renewed, the said War against the Parliament, and good people of this Nation, in this present year, one thousand six hundred forty and eight, in the Counties of *Kent*, *Essex*, *Surrey*, *Sussex*, *Middlesex*, and many other Counties and places in *England* and *Wales*, and also by Sea; And particularly, He the said *Charles Stuart*, hath for that purpose, given Commissions to his Sonne, the Prince, and others; whereby, besides multitudes of other persons, many such, as were by the Parliament intrusted and imployed, for the safety of the Nation, being by Him or his Agents, corrupted; to the betraying of their Trust, and Revolting from the Parliament, have had entertainment and Commission, for the continuing and renewing of War and Hostility, against the said Parliament and People, as aforesaid. By which cruell and unnaturall Warres by Him, the said *Charles Stuart*, levied, continued, and renewed, as

as aforesaid, much Innocent blood of the Free people of this Nation hath been spilt; many Families have been undone, the Publique Treasury wasted and exhausted, Trade obstructed, and miserably decayed; vast expence and damage to the Nation incurred, and many parts of the Land spoiled, some of them even to desolation.

And for further prosecution of His said evill Designes, He, the said *Charles Stuart*, doth still continue his Commissions to the said Prince, and other Rebels and Revolters, both English and Foreigners; and to the Earle of *Ormond*, and to the Irish Rebels and Revolters, associated with him; from whom further Invasions upon this Land are threatened, upon the procurement, and on the behalf of the said *Charles Stuart*.

All which wicked Designes, Warres and evill practises of Him, the said *Charles Stuart*, have been, and are carried on, for the advancing and upholding of the Personall Interest of Will and power and pretended Prerogative to himselfe and his Family, against the publique Interest, Common Right, Liberty, Justice, and Peace of the People of this Nation, by, and for whom He was entrusted, as aforesaid:

By all which it appeareth, that He, the said *Charles Stuart*, hath been, and is the Occasioner, Author, and Contriver of the said unnaturall, cruell, and bloody Warres, and therein guilty of all the treasons, murders, rapines, burnings, spoils, desolations, damage and mischief to this Nation, acted or committed in the said Warres, or occasioned thereby.

And the said *John Cook*, by Protestation (saying on the behalfe of the People of England, the liberty of Exhibiting at anytime hereafter, any other Charge against the said *Charles Stuart*; and also of replying to the Answers which the said *Charles Stuart* shall make to the premises, or any of them, or any other Charge that shall be so exhibited) doth for the said treason & crimes, on the behalf of the said People of England, impeach the said *Charles Stuart* as a Tyrant, Traytor, Murderer, and a publique and implacable Enemy to the Common-wealth of England: And pray, That the said *Charles Stuart*, King of England, may be put to answer all & every the premises, That such proceedings, examinations, Trials, Sentence, & Judgements may be thereupon had, or as shall be agreeable to Justice,

The

The King smiled often during the reading of the Charge, especially at these words, Tyrant, Traitor, Murderer, and publique Enemy of the Common-wealth.

President. Sir, you have now heard your Charge, you find that in the close of it, it is prayed to the Court in the behalf of the Commons of England that you answer to your Charge; which the Court expects.

King. I would know by what power I am called hither? I was not long ago in the Isle of Wight; how I came there is a longer story than I think fit at this time for Me to speak: But there I entered into a Treaty with both Houses of Parliament with as much faith as is possible to be had of any People in the world; I Treated there with a number of Honourable Lords and Gentlemen, and treated honestly and uprightly, I cannot say but they did very nobly with Me; We were upon a conclusion of the Treaty. Now I would know by what lawfull Authority (there are many unlawfull Authorities, Thieves and Robbers on the High-way) I was brought from thence and carried from place to place? (and I know not what) and when I know by what lawfull Authority, I shall Answer. Remember I am your King, your lawfull King, and what sinnes you bring upon your owne heads, and the judgment of God upon this Land, think well upon it, think well upon it I say before you go on from one sinne to a greater; therefore let me know by what lawfull Authority I am seated here? and I shall not be unwilling to Answer. In the meane time I shall not betray my Trust: I have a trust committed to Me by God by old and lawfull descent; I will not betray to Answer to a new unlawfull Authority.

Bradshaw Pres. If you had been pleased to have observed what was hinted to you by the court at your first coming hither, you would have knowne by what authority: which authority requires you in the name of the People of England, of whom you are Elected KING, to answer them.

King. I deny that:

Bradsh: If you acknowledge not the Authority of the Court, they must proceed.

King. I doe tell them so, England was never an Elective Kingdome, but an Hereditary Kingdome for neer these thousand years: Therefore let Me know by what lawfull authority I am called

hisber; I doe stand more for the Liberty of my people then any here that come to be my pretended Judges: and therefore let me know by what Lawfull Authority and I will Answer, otherwise I will not Answer.

Bradsh. Sir, How really you have managed your trust is known: your way of Answer is to interrogate the Court, which befeemes not you in this condition; you have been told of it twice or thrice.

King. Here is Lieut. Colonell Cobber, aske him, if he did not bring me from the Isle of Wight by force? I doe not come here as submitting to the Court; I will stand as much for the Priviledges of the House of Commons, rightly understood, as any man here whatsoever, I see no House of Lords here that may constitute a Parliament, and (the King to) should have been. Is this the bringing the King to his Parliament? Is this the bringing an end to the Treaty on the publick Faith? Let me see a Lawfull Authority Warrented by the Word of God, the Scriptures, or by the Constitution of the Kingdoms. I will not betray my Trust, nor the Liberties of the People; I amswore to keepe the peace by that duty I owe to God, and my Country; and I will doe it to the last breath in my body. As it is a sin to Withstand Lawfull Authority, so it is to submit to a Tyrannicall, or any other-wise unlawfull Authority.

B. with.

Note.

Whether this were the first day, or afterwards, I know not.

Bradsh. The Court expects your small Answer, and will adjourne till Monday next; we are satisfied with our Authority that are your Judges, and it is upon Gods Authority, and the Kingdoms; and that peace you speake of will be kept in doing justice, and that's our present worke. So the Court adjourned, and the King was conducted back; they had so contrived it, that divers Schismaticall Soldiers, and fellowes were placed round about the Court, to cry Justice, Justice, when the King was remanded, thinking all the rest of the People would have bleated to the same tune; but they (almost) all cried God blesse him, and were (some of them) well cudgelled by the Souldiers for not saying their Prayers handsomely after the mode of the Army; one barbarous souldier (it is confidently reported) spat in the Kings face as he bawled for Justice: The King only saying, My Saviour suffered more for my sake, wiped it off with his Handkerchief; yet the Court took no notice of this affront, so far was his Majesty already fore-judged and condemned to sufferings.

Munday

Munday January 22. The KING was brought againe to his Trial.

The second
dayes Tryal of
His Majesty.

Solicitor Cooke. May it please your Lordship, I did at the last Court in behalfe of the Commons of England, exhibite, and give in to this Court a charge of High Treason, and other High Crimes against the Prisoner at the Bar: whereof I do accuse him in the name of the People of England, and the Charge was read unto him, and his Answer required: My Lord, he was not then pleased to give an Answer, but instead of Answering did dispute the Authority of this High Court; My humble motion to this High Court in behalfe of the Kingdome of England is, that the Prisoner may be directed to make a positive Answer either by way of Confession, or Negation: Which, if He shall refuse to doe, that the matter of Charge may be taken pro Confesso, and the Court may proceed according to Justice.

Braddsh. Sir, You may remember at the last Court you were told the occasion of your being brought hither, and you heard a Charge read against you, &c. You heare likewise what was prayed in behalfe of the People, That you should give an Answer to that Charge: You were then pleased to make some Scruples concerning the Authority of this Court, and knew not by what Authority you were brought hither: You did divers times propound your Questions, and were as often answered, That it was by Authority of the Commons of England assembled in Parliament, that did thinke fit to call You to account for those High and Cappitall Misdemeanours, wherewith You were then Charged. Since that the Court hath taken into consideration what you then said, they are fully satisfied with their own Authority, and they hold it fit you should stand satisfied therewith too: and they do require that you do give a positive & particuler answer to this Charge exhibited against You; they expect you should either confesse or deny. If you deny it is offered in the behalfe of the Kingdome to be made good against you, their authority they doe avow to the whole World, that the whole Kingdome are to rest satisfied therein, and you are to rest satisfied in it; and therefore you are to give a Positive Answer.

King. When I was here last, its true, I made that Question; and truly, if it were only my own particular case, I would have satisfied my selfe with the protestation I made here the last time, against the

Without any
Law, Pre-
sident, rationall
debate, or Ar-
guments to
prove it: Oh
brutish Tyranny:

Legality of this Court; and that a King cannot be Tried by any Superior Jurisdiction upon Earth: but it is not My case alone, it is the Freedom, and the Liberties of the People of England, and (doe you pretend what you will) I stand more for their Liberties: for if Power without Law may make Lawes, nay, alter the Fundamental Lawes of the Kingdom, I do not know what Subject he is in England that can be sure of his Life, or any thing that he calls his own. Therefore, when I came hither, I did expect particular Reasons to know by what Law, what Authority, you proceed against me here? and therefore I am a while to seek what to say to you in this Particular, because the Affirmative is to be proved, the Negative (often) is very hard to doe. I shall tell you my Reasons as short as I can. All proceedings against any man whatsoever

False.

Bradsh. Sir, I must interrupt You; what You doe is not agreeable to the proceedings of any Court of Justice: You are about to enter into Argument and Dispute concerning the Authority of this Court, before whom You appear as a Prisoner, and are Charged as a High Delinquent; You may not Dispute the Authority of this Court; nor will any Court give way unto it, You are to submit to it, &c.

King. Under favour, I doe plead for the Liberty of the People of England more then you doe; and therefore, if I should impose a burlesque upon any Man without Reasons given, it were unreasonable.

Oh Brutish Ambitious Kingdome, to be Governed by an upstart Authority without use of Reason.

Bradsh. Sir I must interrupt You, You may not be permitted, You speak of Law and Reason, and there is both against You. Sir, The Vote of the Commons of England Assembled in Parliament, is the reason of the Kingdom, and they are those that have given You that Law, according to which you should have Ruled and Reigned: Sir, It will be taken notice of, that you stand in contempt of the Court, and Your contempt will be recorded accordingly.

King. I doe not know how a King can be a Delinquent, but by all Laws that ever I heard, all men may put in Demurrers against any proceeding as Illegal: and I doe demand that, if you deny that, you deny Reason.

Over-rule a Demurrer

without Argument: If a man may not Demurre to the Jurisdiction of any Court, that Court may enlarge its bounds, and become a Corporation of Tyrants.

that

that Point, You are concluded; You may not demur to the Jurisdiction of the Court, if You do, I must let You know, that they overrule your demurrer, they sit here by the Authority of the Commons of England; and all Your Predecessours and You, are responsible to them.

King. I deny that, Show me one President.

Bradsh. Sir, You ought not to interrupt while the Court is speaking to you: this point is not to be debated by you, if you offer it by way of Demurrer, to the Jurisdiction of the Court, they have considered of their Jurisdiction, they do affirm their own Jurisdiction.

King. I say Sir, by your favour, That the Commons of England were never a Court of Indication, I would know how they came to be so?

Bradsh. Sir, you are not to be permitted to go on in that Speech, and these discourses.

Then the Clerke of the Court read, as followeth:

Charles Stuart, King of England, you have been accused in the behalfe of the People of England, of High Treason, and other high Crimes, the Court hath determined that you ought to answer the same?

King. I will Answer the same so soon as I know by what Authority you doe this?

Bradsh. If this be all that you will say, then Gentlemen, you that brought the Prisoner hither, take charge of Him back again.

King. I doe require that I may give My Reasons why I did not Answer, and give Me time for that.

Bradsh. Sir, 'Tis not for Prisoners to require.

King. Prisoners! Sir, I am not an ordinary Prisoner.

Bradsh. The Court have affirmed their Jurisdiction, if You will not Answer, We shall give order to record your defaults.

King. You never heard My Reasons yet.

Bradsh. Sir, Your Reasons are not to be heard against the highest Jurisdiction.

King. Show Me that Jurisdiction where Reason is not to be heard?

Bradsh. Sir, We shew it you here, the Commons of England, and the next time you are brought You will know more of the pleasures of the Court, and it may be, their small Determination.

Reasons are not to be heard against a remaining faction of the Commons of England.

King

King. *Show Me where over the House of Commons was a Court of Judicature of that kind.*

Bradsh. *Sergeant, take away the prisoner.*

King. *Well Sir, Remember that the King is not suffered to give in his Reasons, for the Liberty and Freedom of all his Subjects.*

Bradsh. *Sir, You are not to have liberty to use this language, how great a Friend you have been to the Lawes and Liberties of the People, let all England and the World Iudge.*

King. *Sir, Under favour, it was the Liberty, Freedom, and Lawes of the Subject that ever I took——defended Myselfe with Armes, I never tooke up Armes against the People; but for the Lawes.*

Bradsh. *The command of the Court must be obeyed, no Answer will be given to the Charge.*

So the King was guarded forth to Sir Robert Cottens, and the Court adjourned to the Painted Chamber, Tuesday twelve a clock.

Tuesday, January 23. The Court sate againe, seventy three Commissioners present.

The King brought into the Court, sits downe.

Solicitor Cooke. *May it please your Lordship my Lord President, This is now the third time that by the great grace and favour of the Court, the Prisoner hath been brought to the Barre, before any Issue joyned in this Cause. My Lord, I did at the first Court exhibite a Charge against him, containing the highest Treason that ever was wrought on the Theater of England, that the King of England trusted to keep the Law, that had taken an Oath so to doe; that had Tribute paid Him for that end, should be guilty of a wicked Designe to subvert and destroy our Lawes, and introduce an Arbitrary and Tyrannicall Government in defiance of the Parliament and their Authority; set up His Standard for Warre, against his Parliament and People: And I did humbly pray in behalfe of the People of England; that he may speedily be required to make an Answer to the Charge; but, my Lord, instead of making any Answer, He did then dispute the Authority of this High Court; your Lordship was pleased to give him a further day to put in his Answer, which day being yesterday; I did humbly move, That He might be required to give a direct and positive Answer, either by denying, or confessing of it; But, my Lord, he was then pleased*

82
The 3d. daies
Triall of His
Majesty.

sed to demur to the jurisdiction of the Court, which the Court did then overrule, and command him to give a direct and positive Answer: My Lord, besides this great delay of Justice, I shall now humbly move your Lordship for speedy Judgment against Him; I might presse your Lordship upon the whole, That according to the known rules of the Lawes of the Land, that if a Prisoner shall stand contentacions in contempt, and shall not put in an Issueable Plea; guilty or not guilty of the Charge given against him, whereby he may come to a faire Tryall, that by an implicite Confession it may be taken pro confesso; as it hath been done to those who have deserved more favour, than the Prisoner at the Bar hath done. But besides, my Lord, I shall humbly presse your Lordship upon the whole fact, That the House of Commons, the Supreme Authority and Jurisdiction of the Kingdome, they have declared, That it is notorious that the matter of the Charge is true, as it is in truth my Lord, as cleare as cry stall, and as the Sun that shines at noon day, which if your Lordship and the Court be not satisfied in, I have notwithstanding on the Peoples behalf, severall Witnesses to produce; and therefore I doe humbly pray, (and yet I doe confesse it is not so much I, as the innocent blood that hath been shed. (the cry whereof is very great) for Justice and Judgment) and therefore I doe humbly pray, that Speedy Judgment be pronounced against the Prisoner at the Bar.

Bradshaw. Sir, You have heard what is moved by the Conncell on behalfe of the Kingdome against you; you were told over & over againe, that it was not for you, nor any other man to dispute the Jurisdiction of the Supreme and highest Authority of England, from which there is no appeal, and touching which there must be no dispute: yet you did persist in such carriage as you gave no manner of obedience, nor did you acknowledge any Authority in them; nor the high Court that constituted this high Court of Justice, Sir, I must let you know from the Court that they are very sensible of these delays of Yours, and that they ought not (being thus Authorized by the Supreme Court of England) be thus trifled withall, and that they might in Justice; and according to the rules of Justice, take advantage of these delays, and proceed to pronounce Judgment against you; yet nevertheless they are pleased to give direction, and on their behalfe, I doe require you, That You make a positive Answer unto this Charge that is against you, in plaine Tearmes (for

You see the remnant of the Ho; of Comm. had forejudged the King before they created this new Court to sentence Him; and claime a Jurisdicitions, as well as a Supreme authority.

Justice knows no respect of Persons) you are to give your positive & small Answer in plaine English, whether you be guilty or not guilty of these Treasons laid to your charge.

King. *When I was here Yesterday, I did desire to speak for the Liberties of the People of England, I was interrupted: I desire to know yet, whether I may speak freely or not?*

Brad. *Sir, You have had the resolution of the Court, upon the like Question the last day, and you were told, that having such a Charge of so high a nature against you, your work was, that you ought to acknowledge the jurisdiction of the Court, & to answer to your Charge; when you have once Answered, you shall be heard at large, make the best defence You can; But Sir, I must let You know from the Court, (as their Command) That you are not to be permitted to Issue out into any other discourses till such time as you have given a positive Answer concerning the matter charged upon you.*

King. *For the Charge I value it not a Rush, it is the Liberty of the People of England that I stand for: for Me to acknowledge a new Court that I never heard of before, I that am your KING, that should be an example to all the People of England, to uphold Justice, to maintaine the old Lawes; Indeed, I doe not know how to doe it: you spoke well the first day that I came here, (on Saturday) of the Obligations that I had laid upon Me by God, to the maintenance of the Liberties of My People, the same Obligation you spake of, I doe acknowledge to God, that I owe to him, and to My People, to defend as much as in Me lies, the ancient Laws of the Kingdome; therefore untill that I may know, that this is not against the fundamentall Lawes of the Kingdome, I can put in no particular Answer, if you will give Me time I will shew you My Reasons; and this* — here being interrupted, the King said again, *By your favour, you ought not to interrupt Me, How I came here I know not; there's no Law for it to make your King, your Prisoner; I was in a Treaty upon the publique faith of the Kingdome, that was the known — two Houses of Parliament, that was the Representative of the Kingdome, and when I had almost made an end of the Treaty, then I was hurried away & brought hither, & therefore*

Whether these breaches and interruptions were made by Bradshaw, or whether they are omissions

and expunctions of some materiall parts of the Kings Speech which this licensed Pen-man durst not set down; I know not: I heare much of the Kings argument is omitted, and much depraved, none but Licenced men being suffered to take Notes.

Bradshaw.

Bradsh. Sir, You must know the pleasure of the Court.

King. By your favour Sir.

Bradsh. Nay Sir, By your favour, You may not be permitted to fall into those Discourses; You appear as a Delinquent, You have not acknowledged the Authority of the Court, the Court craves it not of You, but once more they command You to give your positive answer. Clerk do your Duty.

King. Duty Sir!

The Clerk reads.

Charles Stuart, King of England, You are accused in behalfe of the Commons of England of diverse High Crimes and Treasons; which Charge hath beene Read unto You; The Court now requires You to give Your positive and finall Answer, by way of Confession, or denyall of the charge.

King. Sir, I say againe to you, so that I may give satisfaction to the People of England, of the clearnesse of My proceedings, not by Way of Answer, not in this way, but to satisfie them that I have done nothing against that Trust that hath been committed to Me, I would doe it; but to acknowledg a New Court against their Priviledges, to alter the Fundamentall Lawes of the Kingdom, Sir, you must excuse Me.

Brad. Sir, This is the third time that You have publicly disavowed this Court, and put an affront upon it: how far You have preserved the Priviledges of the People, Your Actions have spoken; but truly Sir, mens intensions ought to be known by their Actions, You have Written your meaning in bloody Characters throughout the whole Kingdome, but Sir, you understand the pleasure of the Court; Clerk Record the defaults; and Gentlemen, you that tooke Charge of the Prisoner take him backe againe. So the King went forth with His Guardes, and the Court Adjourned to the Painted Chamber: the Crier (as at other times) crying, God blesse the Kingdome of England.

Saturday, 27 Jan. 1648. The Court sat againe in Westminster-hall the President was in his Scarlet Robes, after him 67. Commissioners answered to their Names: The King came in in His woen-

ted posture with His Hat on; a Company of Souldiers and Schismatics placed about the Court to cry for Justice, Indgement, and Execution; The People not daring to cry God blesse Him, for fear of being beaten again by the Souldiers.

Bradsh. Gentlemen, it is well knowne to all, or most of you here present, that the Prisoner at the Barre hath been severall times convicted, and brought before this Court, to make answer to a Charge of High Treason, and other High Crimes exhibited against Him, in the Name of the People of England; to which Charge being required to Answer, He hath been so farre from obeying the Commands of the Court, by submitting to their Justice, as He began to take upon him Reasoning and Debate unto the Authority of the Court. And so the Highest Court that appointed them to Trye, and to Judge Him; but being over ruled in that, and required to make His Answer, He still continued contumacious, and refused to submit to Answer. Hereupon the Court (that they may not be wanting to themselves, nor the Trust reposed in them, nor that any mans wilfulnesse prevent Justice) they have considered of the Charge, of the Contumacy, and of that Confession which in Law doth arise on that Contumacy; they have likewise considered the notoriety of the Fact Charged upon this Prisoner; and upon the whole matter, they are resolved, and have agreed upon a Sentence to be pronounced against this Prisoner; but in respect He doth desire to be heard before the Sentence be Read, and Pronounced, the Court hath resolved to Hear Him: yet Sir, thus much I must tell You beforehand. (which You have been minded of at other Courts) that if that which You have to say, be to offer any debate concerning the Jurisdiction, You are not to be heard in it: You have offered it formerly, and you have strook at the Root, that is, the power and supreme Authority of the Commons of England, which this Court will not admit a Debate of: and which indeed is an irrational thing in them to doe, being a Court that act upon Authority derived from them. But Sir, if you have any thing to say in defence of Yourself concerning the matter charged, the Court hath given me in Commands to heare you.

King. Since I see that you will not beare any thing of debate concerning that which I confesse I thought most materiall for the peace of the Kingdom, and for the liberty of the Subject, I shall waite on you, but only I must tel you, that this many a day all things have been taken away

away from Me, but that, that I call down on Me, than My Life; which is My Conscience and Mine honour; and if I had a respect of my life, more than the peace of the Kingdome, and the liberty of the Subject, certainly I should have made a particular defence for my life, for by that at least wise, I might have delayed an ugly Sentence, which I believe will passe upon Me, therefore certainly Sir, as a man that hath some understanding, some knowledg of the world (if that my true zeal to My Country had not overborne the care that I have for My own preservation) I should have goe another way to worke than that I have done: Now Sir, I conceive that a hasty Sentence once passed may sooner be repented of than recalled, and truly, the self same desire that I have for the peace of the Kingdome and the liberty of the Subject, more than My own particular ends, makes Me now at last desire, that I having something to say that concerns both, I desire before Sentence be given, that I may be heard in the Painted Chamber before the Lords and Commons, this delay cannot be prejudiciall to you, whatsoever I say, if that I say no reason those that heare Me must be Judges, I cannot be Judge of that that I haue: if it be reason, and really for the Welfare of the Kingdome, and the liberty of the Subject, I am sure its very well worth the bearing, therefore I doe conjure you, as you love that which you pretend (I hope its reall) the Liberty of the Subject, and peace of the Kingdome, that you will grant Me this hearing before any Sentence passed; but if I cannot get this liberty, I doe protest that your faire shewes of Liberty and Peace are pure shewes, and that you will not hear your King.

The President said, This was a dwelling on the Jurisdiction of the Court, and a delay: Yet the Court withdrew for half an hower, advised upon it, and came again.

Bradslow said to the King, That the Court had considered what He had moved, and of their owne Authority; therefore from the Court is this, That they have been too much delayed by you already, and they are Judges appointed by the highest Authority, and Judges are no more to delay, then they are to deny justice; and notwithstanding what You have offered, they are resolved to proceed to Sentence, and to Judgment, that is their unanimous resolution.

The King pressed again and againe, that he might be heard by
O3 the

the Lords and Commons in the *Painted Chamber*, with great earnestness, and was as often denied by *Bradshaw*: at last, the King desired that this Motion of His might be entered.

Bradshaw began in a long Speech to declare the Grounds of the Sentence, much aggravating the Kings offences, and misapplying both Law and History to his present purpose: When *Bradshaw* had done speaking, the Clerk read the Sentence drawn up in Parchment to this effect:

84.
The Sentence
against His
Majesty.

* Here the
Clerk read the
afore said
Charge.

THAT whereas the Commons of England in Parliament had appointed them an High Court of Justice for the Trial of Charles Stuart K. of England, before whom He had been three times convicted; and at the first time a Charge of High Treason & other high crimes and misdemeanors was read in behalf of the Kingdom of England, &c. * Which Charge being read unto Him as aforesaid, He the said Charles Stuart was required to give His Answer; but He refused so to doe: and so expressed the severall passages at His Tryall in refusing to Answer. For all which Treasons and crimes this Court doth adjudge, That He the said Charles Stuart as a Tyrant, Traytor, Murtherer, and a publique Enemy shall be put to Death by severing of His Head from His Body.

After the Sentence read, the President said, *This Sentence now read and published, it is the Act, Sentence, Judgement, and resolution of the whole Court*; Here the whole Court stood up, as assenting to what the President said.

King. *Will you hear me a Word Sir?*

Bradshaw. Sir, *You are not to be heard after the Sentence.*

King. *No Sir!*

Bradshaw. No Sir, by your favour Sir! Guard, withdraw your Prisoner.

King. *I am not suffered to speak: expect what Justice other people will have.*

Thefe

¶ These are the Names of such Persons as did actually sit as Judges upon the Try
all of his Majesty, with the Councell and Attendants of the Court.

Oliver Cromwel, Lieut:
General,
Com. Gen. Ireton.
Major Gen. Skippon:
Sir Hardresse Waller,
Col. Thomas Harrison.
Col. Edward Whalley,
Col. Thomas Pride,
Col. Isaac Ewer,
Col. Rich: Ingolsby,
Sir Henry Mildmay,
Thomas, Lord Grey,
Philip, Lord Lisle,
Will: Lord Munson.
Sir John Danvers,
Sir Tho: Maleverer,
Sir John Bowcher,
Sir James Harrington,
Sir William Brereton,
Will: Henningham Esq.
Isaac Pennington, Ald:
Thomas Atkins, Ald:
Col. Rowland Wilson.
Sir Peter Wentworth
Col. Henry Martyn,
Col. William Purefoy,
Col. Godfrey Bosvil,
Col. John Berkstead,
Sir Will: Cunstable,
Col. Edward Ludlow,
Col. Io: Hutchinsonson,
Col. Rob: Titchburne,
Col. Owen Roe.
Col. Adrian Scroop.
Col. John Okey,
Col. John Harrison,

Col. John Desborough,
Cornelius Holland, Esq.
Miles Corbet, Esq:
Francis Allen, Esq.
Peregrin Pelham, Esq.
John Gourdon, Esq.
Serj. Francis Thorp.
Tho. Challoner, Esq:
Col. John Moore,
John Aldred Esq.
Col. Francis Lassels,
Henry Smith, Esq.
James Chaloner, Esq.
Dennis Bond, Esq.
Humph: Edwards, Esq.
Gregory Clement, Esq.
John Fray, Esq.
Tho: Wogan, Esq.
Sir Greg: Norton,
Serj. John Bradshaw.
Col. Edm: Harvey.
John Dove, Esq.
Col. John Venn.
John Fonlks, Alder.
Thomas Scot.
Tho. Andrewes, Alder.
William Cawley, Esq.
Col. Anthony Stapley.
John Lisle, Esq.
John Corbet, Esq.
Thomas Blunt, Esq.
Thomas Boon, Esq.
Col. George Fleetwood
Col: James Temple.
Sir Peter Temple.
Col. Thomas Weyre.

John Browne, Esq.
William Say, Esquire.
Col. Mat. Thomblinson.
John Blackston.
Gilb. Millington.
Abraham Barrell.
Col. Io: Downes.
Master Norton.
L. Gen. Tho. Hammond.
Nich. Love.
Vincent Potter.
Augustine Garland.
Sir Miles Lyvesey.
Io: Dixwell.
Simon Mayne.
Daniell Blagrove.
Col. Robert Lyborne.
Col. Rich: Dean.
Col. Hnson.
L. Col. W. Goffe.
Master Carewe.
Io. Ioanes.

Mr. Bradshaw, nominated
President.

Counsellours assistant to this
Court, and to draw up the
Charge against the
KING, are,

Doctor Dorislaus,
Master Aske.
Master Cooke,
Serj. Dandy, Serjeant at Arms.
Mr. Phelps Clerke to the
Court.
Messengers and Dore-keepers
Master Walford, Mr. Ridle,
Mr. Paine, Mr. Pawell, Mr.
Hull, and Mr. King Crier.

85.
Observations
upon the Try-
all of His Ma-
jesty,

This is a relation of his Majesties Tryall by a mixed Court of Justice, erected by 50. or 60. Confederate Members of the House of Commons, sitting under the power of the Army, after all the rest of the Members above 250 had been violently secured, and secluded; and frighted away: And in order to this designe against the King, the House of Peers Voted downe, and yet the House of Commons (when injured) is no Court of Iudicature, nor can give an Oath: Had indifferent men been permitted to take Notes, you had had a more perfect Narrative; yet as it is, Truth shines forth to the confusion of this bloody, cheating, tyrannicall fiction: could they have wrought the King to have submitted to the jurisdiction of this Arbitrary Court, His example should have been urged as an irrefragable Precedent against the lives and liberties of the whole Kingdome, and urged to be of as great Authority, as if he had established that Court by Act of Parliament: so that the King is to be looked on as a vill Murtherer dying for the Liberty of the People. And although they have failed of this device; yet they will have some other Arbitrary bloody inquisition to cut of the lives (without Lawes) of such as they desire to remove, without which this Tyrannous Kingdome of the Saints, or brambles, cannot subsist: and therefore on Thursday, 25 February, Cromwell and Ireton, and their Canniball Councell of Officers projected to get an Act passed by their House of Commons (where all their Requests, are Commands) to enable the said Councell to hang all such as they shall adjudge Disturbers of the Army, although no Members of the Army; they must have publique Slaughter-Houses *in terrorum*, as well as private *ad pœnam*; the nature of their cause, and their naturall conditions requiring it. Oliver is a Bird of Prey, you may know by his Bloody Beake; so was his Prodigus that Type and figure of him, John of Leyden; then whom, this fellow with shorly prove farre more bloody: you see this Schismaticall remnant of one house, have the impudence to usurp the Supreme Authority to themselves: And then to tell you, that the Votes of this perty Conventicle (calling themselves the Commons) are the Law, nay the Reason of the Land, thereby devesting us of those Lawes which shall distinguish us from Slaves, and denying us the use of our reason, whereby we are differenced from Beasts, and expecting

2. Part of Eng.
lands liberty in
Chains, sub. 60
ne: and the
Hunting of
the Foxes, &c.

expecting an implicate faith and blind obedience from us; to all the Votes of this halfe quarter of a House of Commons, so faire that they vote obedience to the known Lawes (in many cases) to be treason; and what all our Lawes call Treason; they Vote no-Treason: nay, should they Vote a Turd to be a Rose, or *Olive's* Nose a Ruby, they would expect we should swear it, and fight for it. This legislative Den of Thieves erect new Courts of Justice; neither founded upon Law nor prescription, Theaters of illegall Tyranny and oppression, to take away mens lives Arbitrally, for actions which no Law makes criminous; nay, for such acts as the Lawes command; where their proceedings are contrary to *Magna Charta*; and all our known Lawes and usages, not *per probos & legales Homines*; no Juries, no sworne Judges, authentically chosen, no Witnesses face to face, no formall Indictment in which a man may find error and plead to the jurisdiction of the Court; or where the Court ought to be of Councell with the prisoner: but the same engaged and vowed Enemies are both Parties, Prosecutors, Witnesses, Judges (or Authorizers and Nominators of the Judges) Actors of all parts upon that stage of Blood.

The King pressed earnestly (especially upon Monday, 22. Jan.) to have his reasons against the jurisdiction of the Court heard, but was as often denied; he intended then to give them in writing, which was likewise rejected; so they were sent to the Presse. A true Copie whereof followes:

¶ *His Majesties Reasons against the pretended Jurisdiction of the High Court of Justice, which he intended to deliver in writing on Monday, Jan. 22. 1648.*

Faithfully transcribed out of the Originall copie under the Kings own Hand

HAVING already made my protestations not only against the Illegality of this pretended Court, but also that no Earthly power can Justly call me (who am your King) in question as a Delinquent, I would not any more open my mouth upon this occasion, more then to referre My selfe to what I have spoken; were I alone in this case concerned. But the duty I owe to God in the

P

preservation

preservation of the true Liberty of My People, will not suffer Me, at this time to be silent: For, how can any free borne Subject of *England* call life or any thing he possesseth his owne, if power without right daily make new, and abrogate the old fundamentall Law of the Land, which I now take to be the present case. Wherefore when I came hither, I expected that you would have endeavoured to have satisfied Me concerning these grounds, which hinder Me to Answer to your pretended Impeachments: but since I see that nothing I can say will move you to it, (though Negatives are not so naturally proved as Affirmatives) yet I will shew you the Reasons why I am confident you cannot Judge Me, nor indeed the meanest man in *England*; for I will not (like you) without shewing a reason, seek to impose a believe upon My Subjects.

* Hereabout I was stoppt, and not suffered to speak any more concerning Reasons.

* There is no proceeding just against any man, but what is warranted either by Gods Lawes, or the municipall Lawes of the Country where he lives. Now I am most confident, that this daies proceeding cannot be warranted by Gods Law, for on the contrary the authority of obedience unto Kings is clearly warranted and strictly commanded both in the Old and New Testament; which if denied, I am ready instantly to prove: and for the question now in hand, there it is said, *That where the word of a King is, there is Power; and who may say unto him, what doest thou? Eccles. 8. 4.* Then for the Lawes of the Land, I am no lesse confident, that no learned Lawyer will affirm that an Impeachment can lie against the KING, they all going in His Name; and one of their Maxims is, *That the King can do no wrong.* Besides, the Law upon which you ground your proceedings, must either be old or new; if old, shew it; if new, tell what Authority warranted by the fundamentall Lawes of the Land hath made it, and when. But how the House of Commons can erect a Court of Judicature, which was never one it selfe (as is well known to all Lawyers) I leave to God and the World to Judge; And it were full as strange that they should pretend to make Laws without King or Lords House, to any that have heard speak of the Lawes of *England*.

And admitting, but not granting, that the People of *England* Commission could grant your pretended power, I see nothing

you can shew for that; for certainly you never asked the question of the tenth man of the Kingdome, and in this way you manifestly wrong even the poorest Ploughman, if you demand not his free consent; nor can you pretend any colour for this your pretended Commission without the consent at least of the major part of every man in *England*, of whatsoever quality or condition, which I am sure, you never went about to seek; so farre are you from having it. Thus you see that I speak not for My owne right alone, as I am your King, but also for the true liberty of all My Subjects, which consists not in sharing the power of Government, but in living under such lawes, such a Government as may give themselves the best assurance of their lives and propriety of their goods. Nor in this must or doe I forget the Priviledges of both Houses of Parliament, which this dayes proceedings doth not onely violate, but likewise occasion the greatest breach of their Publike Faith that I believe I ever was heard of, with which I am farre from charging the two Houses; for all the pretended Crimes laid against Me, beare date long before this late Treaty at *Newport*, in which I having concluded as much as in Me lay, and hopefully expecting the two Houses agreement therunto, I was suddenly surprized and hurried from thence as a Prisoner, upon which account I am against My will brought hither, where since I am come, I cannot but to my power defend the ancient lawes and liberties of this Kingdom, together with My owne just Right; then for any thing I can see the higher House is totally excluded.

And for the House of Commons, it is too well known that the major part of them are detain'd or deterr'd from sitting, so as if I thinke no other, this were sufficient for Me to protest against the lawfulness of your pretended Courts.

Besides all this, the peace of the Kingdom is not the least in My thoughts; and what hope of settlement is there do long as power reigns without rule of law, changing the whole frame of that Government under which this Kingdom hath flourish'd for many hundred years; nor will I say what will fall out in case this lawlesse unjust proceeding against Me do go on; and believe it the Commons of *England* will not thank you for this change, for they will remember how happy they have been of late years

under the Reigne of Queen Elizabeth, the King my Father, and My selfe; untill the beginning of these unhappy troubles, and will have cause to doubt that they shall never be so happy under any new. And by this time it will be too sensibly evident, that the Armes I took up were only to defend the fundamentall Lawes of this Kingdome, against those who have supposed my power hath totally changed the ancient Government.

Thus having shewed you breifly the Reasons, why I cannot submit to your pretended Authority without violating the trust which I have from God, for the welfare and liberty of my People; I expect from you either cleare Reasons to convince My judgment, shewing me that I am in an error (and then truly I will readily answer) or that you will withdraw your proceedings.

This I intended to speake in *Westminster-hall* on Monday, 22. *January*, but against Reason was hindered to shew my Reasons.

The 27. *January*, The Commons read the Act for altering the formes of Writs, and other proceedinge in Courts of Justice, which (according to all our Known Lawes, the custome of all Ages, and the fundamentall Government of this Kingdome) ever ran in the King's name: This Act upon the Question was assented to, and no concurrence of the Lords desired, of this more here, after.

The Iunto of 50. or 60. Commons appointed a Committee to pen a Proclamation; That if any man should go about to Proclaime Prince *Charles*, or any of that line King of *England* (after the removall of King *Charles* the Father out of this life) as is usually, and ought to be done by all Mayors, Bayliffs of Corporations, High Sheriffs, &c. under high penalties of the Law for their neglect) or shall Proclaime any other without the Consent of the present Parliament: The Commons declare it to be High Treason; and that no man under paine of Imprisonment or such other (Arbitrary) punishment, as shall be thought fit to be inflicted on them, shall speake or preach any thing contrary to the present proceedings of the Supreme Authority of this Nation, the Commons of *England* Assembled in Parliament. Your hands and feet.

37
Alteration of the formes and Styles of Writs and legall proceedings.

38
A Proclaim: to be brought in, prohibiting the Pr. of Wales, or any of the K. Issue to be proclaimed King of *England*.

feet, liberties and consciences were long since tied up; now you are conqueitied.

Upon motion, the house Ordered, that Doctor *Juxon* Bishop of *London* should be permitted to be private with the King in His Chamber; to preach and administer the Sacraments, and other spirituall comforts to him: But notwithstanding, their Masters of the Conncell of Warre, appointed that weather-cock *John Goodwin* of *Coleman-street* (the *Balaam* of the Army that curseth and blesteth for hire) to be Superintendent both over King and Bishop, so that they could hardly speake a word together without being over-heard by the long-schismaticall eares of black-mouthed *John*: Besides, I here that for some nights a Guard of Souldiers was kept within his Chamber, who with talking, clinking of pots, opening and shutting of the dore, and taking Tobacco there (a thing very offensive to the Kings nature) should keepe him watching, that so by distemperng and amazing him, with want of sleep; they might the easier bring him to their bent.

18. *Iannary*, being the last Sabbath the King kept in this life, some of the grandees of the Army and Parliament tendered to the King a Paper-booke, with promise of Life and some shadow of Regality (as I heare) if he Subscribed it: it contained many particulars destructive to the fundamentall Government, Religion, Lawes, Liberties, and Properties of the People: One whereof was intenced to Me, viz. That the KING should (amongst many other demands) passe an Act of Parliament for keeping on foot the *Militia* of this Army during the pleasure of the Grandees, who should be trusted with that *Militia*; and with power from time to time to recruit and continue them to the number of 40000. Horse and Foot, under the same Generall and Officers, with power notwithstanding in the Conncell of Warre to chuse new Officers and Generalls from time to time as occasion shall happen, and they think fit; and to settle a very great Tax upon the People by a laid Rate, for an established pay for the Army; to be collected and leavied by the Army themselves, and a Court Martiall of an exorbitant extent and latitude. His Majesty (as I heare) read some few of the Propositions, and throwing them aside told them; he would rather become a sacrifice for

89

The Bishop of *London* appointed by the House to administer spirituall comfort to the condemned King; and the Kings usage by the Army. See Mr. *J. G.* reg's Book against *Goodwin*, called, [*Might overcoming right.*] And Mr. *Prin*'s Epistle to his Speech. 6. Dec. 1648.

90

A Paper booke of Demands tendered to be Subscribed by the King the Sanday before He died. See sect. 94.

His People, then Henry their Lives and Liberties: Lives and Estates, together with the Church and Common wealth, and the Honour of His Crowne, to so intolerable a Bondage of an Armed Faction.

91.
The stile and Title of *Custodes libertatis Angliae*, voided to be used in legal proceedings, in stead of the stile of the King. These Garters of the Liberties of England are Individuam vatum, not yet named.
See a Confirmation of this madnes in an Act for better feeding proceedings in Courts of Justice, according to the present Government. Dated 17. Feb. 1648.

Monday 29. Jan. 1648. The legislative halfe quarter of the House of Commons, voted as followeth; (hearken with admiration Gentlemen) Be it enacted by this present Parliament, and by Authority of the same, that in all Courts of Law, Justice, and Equity, and in all Writs, Grants, Patents, Commissions, Indictments, Informations, Suits, Returnes of Writs, and in all Fines, Recoveries, Exemplifications, Recognizances, Proccesse, and proceedings of Law, Justice, or Equity within the Kingdoms of England or Ireland, Dominion of Wales, &c. instead of the Name, Stile, Teste, or Title of the KING heretofore used, that from henceforth the Name, Stile, Teste or Title *Custodes libertatis Angliae auctoritate Parliamenti*, shall be used, and no other, and the Date of the year of the Lord, and none other; and that all Duties, Profits, Penalties, Fines, Amerciaments, Illues, and Forfeitures whatsoever, which heretofore were sued for in the name of the KING, shall from henceforth be sued for in the name of *Custodes libertatis Angliae auctoritate Parliamenti*; and where the words were (*In nomine pro Domino Rege*) they shall be (*In nomine pro Republica*) and where the words are (*contra pacem, dignitatem, & coronam nostram*) the words from henceforth shall be (*contra pacem Publicam*). All Judges, Iustices, Ministers, and Officers, are to take notice hereof, &c. and whatsoever henceforth shall be done contrary to this Act, shall be, and is hereby declared to be null and void, the death of the King, or any Law, usage or custome to the contrary notwithstanding, &c.

The King lay in White-hall Saturday (the day of the Sentence) and Sunday night so neer the place appointed for the separation of His Soule and Body, that He might heare every stroke the Workmen gave upon the Scaffold (where they wrought all night) this is a new device to mortifie Him, but it would not doe.

Tuesday, 30. Jan. 1648. was the day appointed for the Kings Death. He came on Foot from Saint Dunstons to White-hall this morning: His Majesty, coming upon the scaffold, made a speech

92.
Another device to mortifie the King.

93.

to the People, which could easily be heard by some few Soldiers and Schismatics of the Faction who were suffered to possess the Scaffold, and all parts near it; and from their Pennes only we have our informations:

* His Majesties Speech upon the Scaffold, and His Death,
or Apotheosis.

The KING told them,

That all the world knew He never began the warre with the two Houses of Parliament, and He called God to witnesse (to whom He must shortly give an account) he never intended to encroach upon their Priviledges, They began upon Me, it was the Militia they began with, they confessed the Militia was Mine, but they thought fit to have it from Me: and so be short, if any body will look to the dates of the Commissions, Theirs, and Mine, and likewise to the Declarations, will see clearly that they began these unhappy Troubles.

And a little after He said, I pray God they may take the right way to the peace of the Kingdome; But I must first shew you how you are out of the way, and then put you into the right way: First, you are out of the way, for all the way you ever had yet (by any thing I could ever find) was the way of Conquest, which is a very ill way, for Conquest is never just except there be a good just Cause, either for matter of wrong, or just Title, and then if you go beyond the first Quarrell that you have, that makes it unjust in the end that was just in the beginning: but if it be onely matter of Conquest, then it is a great Robbery, as the Pyrat said to Alexander, and so (I think) the way that you are in hath much of that way; Now (Sirs) to put you in the way, believe it you will never do right, nor God will never prosper you untill you give him his due, the King (that is My Successor)

94
Soldiers Rebelling against their Masters or Sovereign, though they prevail, cannot claim by conquest, because their quarrell was perfidious, base and full from the beginning.

Successor) his due , and the People (for whom I am as much as any of you) their due .

1. You must give God his due , by regulating rightly his Church , (according to his Scripture) which is now out of order , to set you in a way particularly now I cannot , but only a Nationall Synod freely called , freely debating amongst themselves must settle this ; when that every opinion is freely and clearly heard .

2. For the King , the Lawes of the Land will freely instruct you , and because it concernes my selfe I will only give you a touch of it .

3. For the People (and truly I desire their Liberty and Freedom as much as any man whatsoever) I must tell you , their Liberty and freedome consists in having such a Government whereby their Lives and Goods may be most their own , it lies not in having a share in the Government , that is nothing pertinent to them ; a Subject & a Sovereign are cleane different things : and therefore untill you restore the People to such a liberty , they will never enjoy themselves ; Sirs , it was for this I now come hither , if I would have given way to an Arbitrary sway , to have all Lawes changed according to the power of the Sword , I needed not to have come here ; and therefore I tell you (and I pray God it be not laid to your charge) that I am the Martyr of the People , &c .

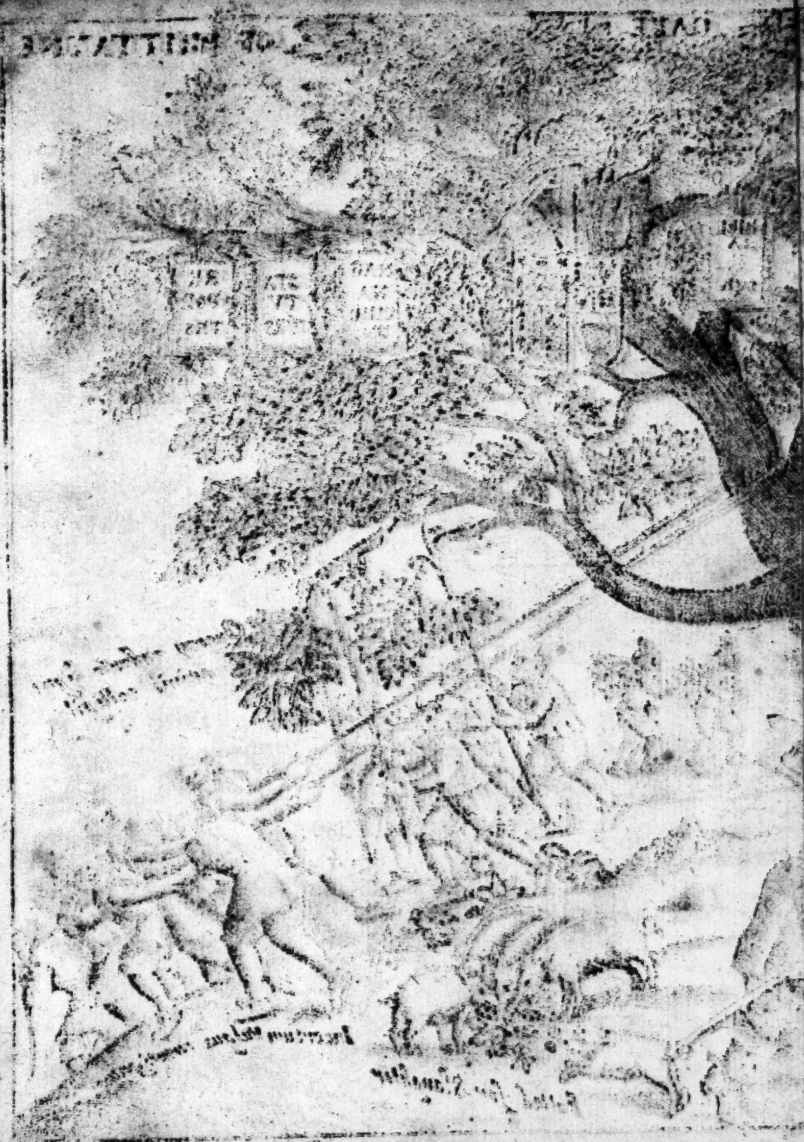
See Sect. 19.

The House had the impudence to answer the Dutch Ambassadors , That what they had done to the King was according to the Law of the Land . They meant , that their Lusts are the Lawes of the Land : for other Law they can shew none .

This was the effect of his Majesties Speech , who shewed much magnanimity and Christian Patience during all the time of his Triall and Death , notwithstanding many barbarous affronts put (by way of tentation) upon him ; he had his Head severed from his Body at one stroak , the Souldiers and Schismatics giving a great shout presently .

Thus

ATTENTION TO



44
ations
d 2-
procla-
e King

THE ROLL

See
page 100

God will be
true

Bartholomew
Clarke the young

Kill and take
King's 59

THE
END
OF
THE
WORLD

Let us kill him and
take his name

Diaphus

OF BRITTAYNE

LIBERTY
EQUITY
JUSTICE

MAGNA
CHARTA

STATUTES

PARLIAMENTS

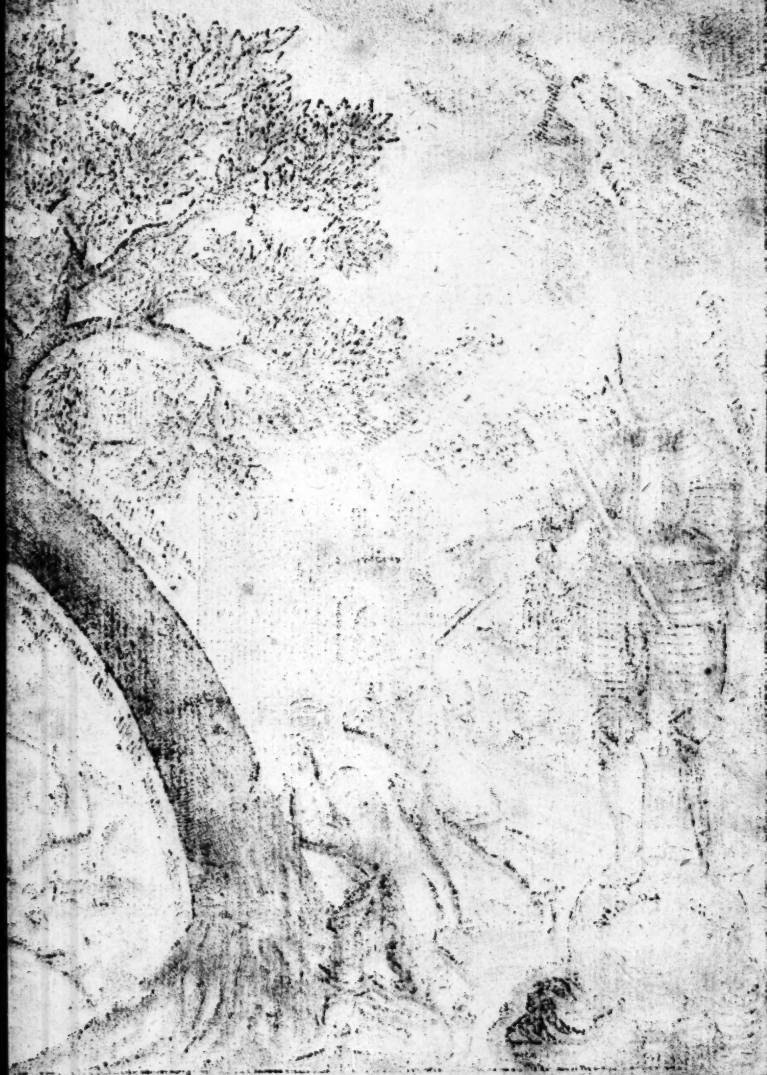


*Quorum cadente lignis
quibus colligit*

Incertum Vagus

Failed for Slaughter

THE ORIENT



Thus this Noble Prince (a Gentleman sanctified by many afflictions) after he had escaped Pistoll, Poyson, and Pestilent ayre, could not escape the more venomous tongues of Liwyers and Pettyfoggers; Bradshaw, Cooke, Steele, Aske, and Dorostau; thus the shepard is smitten, and the sheep scattered.

THe said High Court of Iustice, with the downfall of King CHARLES the 1. thereby and in Him of the Royall Government, Religion, Lawes, and Liberties of this auntient Kingdome is Emblematically presented to the Readers view: See the Figure.

Presently after this dissolution of the King, the Commons sent abroad Proclamations into London, and all England over, reciting, *That Whereas severall pretences might be made to this Crown, and Title to the Kingly Office set on foot, to the apparent hazard of the publique Peace. Be it enacted and ordained by this present Parliament, and by the authority of the same, that no person whatsoever doe presume to Proclaime, declare, publish, or any waies to promise Charles Stuart (Sonne of the said Charles) commonly called Prince of Wales, or any other Person to be King, or chiefe Magistrate of England or Ireland, or of any Dominions belonging to them; by colour of Inheriſſance, Succession, Election, or any other claime whatsoever, without the free consent of the people in Parliament first had*

94
Proclamations
published a-
gainst procla-
ming the King

Who shall judge when these fellows will be thought free, and when not?

95.

A Proclamation privately printed and scattered, proclaiming CHARLES the Second.

and signified by a particular Act or Ordinance, for that purpose, any Law, Statute, Usage or custom, to the contrary notwithstanding; and whosoever shall contrary to this Act, Proclaim, &c. shall be deemed and adjudged a Traytor, and suffer accordingly.

Notwithstanding which inhibition, the 2. February, 1648. was printed and scattered about London-streets this following Proclamation:

A Proclamation proclaiming CHARLES Prince of Wales, King of Great Britaine, France, and Ireland.

WEE the Noblemen, Judges, Knights, Lawyers, Gentlemen, Free-holders, Merchants, Citizens, Townsmen, Seamen, and other freemen of England, doe, according to our Allegiance and Covenant, by these presents heartily, joyfully and unanimously acknowledge and proclaim the Illustrious CHARLES Prince of Wales, next heire of the blood Royall to his Father King CHARLES (whose late wicked and trayterous murder we doe from our soules abominate, and all parties and consenters thereunto) to be by hereditary Birthright, and lawfull succession, rightfull and undoubted King of Great Britaine, France and Ireland, and the Dominions thereunto belonging. And that we will faithfully, constantly and sincerely in our severall places and callings defend and maintaine his Royal Person, Crowne and Dignity with our Estates, Lives, and last drop of our Bloods, against all Opposers thereof; whom we doe hereby declare to be Traytours and Enemies to his Majesty and his Kingdoms. In testimony whereof, we have caused these to be published and proclaimed throughout all Counties and Corporations of this Realm, the first day of February, in the first year of his Majesties Reigne.

God save King CHARLES the Second.

The

The fagge end of the House of Commons, Feb. 1. 1648. passed a thing they call an *Act*, That such Members as had assented to the Vote, 5. Decemb. 1648. That the Kings Concessions were a ground for the House to proceed to a settlement, should not be re-admitted to sit as Members; such as were then in the House and voted in the negative should first enter their dissent to the said Vote, such as were absent should declare their disapprovall before they sit. You see the cheating Godly are resolved to keepe all to themselves.

This day their tame Lordships sent a Message to the House of Commons, but they were too surly to call the Messengers in: the substance of the Message was, That their Lordships had appointed 7. of their House to joyn with a proportionable number of Commons, to consider of a way how to settle this Nation.

Monday, 5. Feb. 1648. The Commons debated whether they should continue the House of Lords as a Court Judicatory, or Consultory onely? And the day following they put this Question, Whether this House shall take the advice of the House of Lords, in the exercise of the Legislative power of the Kingdome, in pursuance of the Votes of this House, 4. Jan. last. This was carried in the Negative by many Voices: in farther pursuance of which Vote, they farther voted, That the House of Peeres in Parliament is uselesse and dangerous, and ought to be abolished; and that an *Act* be brought in for that purpose, and voted downe their privilege of being exempt from Arrests; yet they graciously condescended they shall be capable of being elected Knights of Shires, and Bargeiss; if any will be so mad as to chuse them: yet my Lord of *Pembroke* is as much overjoyed with this gay priviledge, as if they had bestowed a new Cap with a Bell and a Bable upon him: who will not now conclude that the Votes of this Legislative, this supreme piece of the House of Commons, is the onely Law and reason, of the Land, which leads all our Lawes and reason captive, and is almighty against all but the Councell of the Army.

The 8. Feb. came forth A Declaration and Protestation of the Peeres, Lords and Barons of this Realme, against the late treasonable proceedings and tyrannicall usurpations of some Members

96.
A Vote that such Members as had assented to the Vote, 5. Dec. shall sit no more: others to enter their dissent & disapprovall.

97.
The Lords send a Message to the Comm: but the Messenger not called in.

98.
The House of Lords voted downe.

99.
A Protestation of the Peeres.

Members of the Commons House, who endeavour to subvert the fundamentall Lawes, and Regall Government of this Kingdom; and enslave the People to their boundlesse Tyranny instead of Freedome. The Protestation followeth.

WE the Peers, Lords and Barons of this Realme of England, for the present necessary vindication of the undoubted Rights and Priviledges of Parliament, and more particularly of the House of Peers, the just prerogatives and Personall safety of our Kings; the known Lawes and Liberties of this Kingdome; the hereditary Freedom of all the Freemen of this Nation, and our own affronted and contemned Honour and Authority; against the many late unparalleld dangerous Invasions and treasonable Usurpations of a few insolent mis-advised Members of the (late) House of Commons; whiles the greatest and ablest part of that House were forcibly detained or deterr'd from thence, wherewith we find our selves and the whole Kingdome unsufferably injured and deeply afflicted: Doe, after a long patient expectation of their own ingenious Retractions of such unjustifiable Exorbitances, which their own judgments and consciences cannot but condemne, whereof we now utterly despaire; being thereto engaged in point of Honour, Loyalty, Conscience, Oath, & love to our Native Country, as also by our Solemn League and Covenant, publickly declare and protest to all the world, That by the Lawes and Customes of this Realme, and usage of Parliament time out of mind, ever since there were Parliaments in this Island, the principall Authority and Judicatory of the Parliaments of England hath alwaies constantly resided, and ought still to continue only in the King and House of Peers, (wherein He alwaies sits) and not in the Commons House, who never had, claimed, or ought to have any right or power to judge any Person or Cause civilly or criminally (having no authority to examine any Witnesses upon Oath, and being no Court of Record) but only to accuse and impeach Delinquents in and before the House of Peers, where they alwaies have used to stand bare-headed at their Barre; but never yet to stand covered, much lesse to sit, Vote, or give Judgment. And that the House of Commons without the concurrent assent of the House of Peers, and Kings of England, never heretofore challenged nor enjoyed, nor can of right pretend to any lawfull power or jurisdiction to make or publish any firme or binding Ordinance.

Ordinance, Vote, Act, or Acts of Parliament whatsoever, nor ever once presumed to pass any Act or Acts to erect a new High Court of Justice, to trie, condemne, or execute the meanest Subject, least of all their own Sovereign Lord and King, or any Peere of the Kingdome (who by the Common and Statute Lawes of this Realme, and Magna Charta, ought to be tried only by their Peers and not otherwise) or to Disinherit the right Heire to the Crowne, or to alter the fundamentall Government, Lawes, Great Seale, or ancient formes of processe and legall proceedings of this Realme, or to make or declare High Treason to be no Treason; or any Act to be Treason, which in it selfe, or by the Law of the Land is no Treason; or to dispose of any Offices or Places of Iudicature, or impose any Penalties, Oathes, or Taxes on the Subjects of this Realme. And therefore we doe here in the presence of Almighty God, Angels, and Men, from our hearts disclaime, abhorre, and protest against all Acts, Votes, Orders or Ordinances of the said Members of the Commons House lately made & published, for setting up any new Court of Justice to trie, condemne, or execute the King, or any Peere or Subject of this Realme: (which for any Person or Persons to sit in or act as a Iudge or Commissioner, to the condemning or taking away the life of the King, or any Peere or other Subject; we declare to be High Treason and wilfull Murther) to Disinherit the Prince of Wales of the Crowne of England, or against Proclaiming him King after his Royall Fathers late most impious, trayterous and barbarous murther, or to alter the Monarchicall Government Lawes, Great Seale, Indicatives, and auncient formes of Writs, and Legall processe and proceedings; or to keep up or make good any Commissions, Iudges or Officers, made void by the Kings bloody execution; or to continue any old, or raise any new forces or Armies; or to impose any new Taxes, Payments, Oathes or forfeitures on the subjects or to take away any of their Lives, Liberties or Estates against the fundamentall Lawes of the Realme, or to make any new Iudges, Iustices, or Officers; or set aside the House of Peers (farre antienter then the Commons House) and particular. by this insolent and frantique Vate of theirs, Feb. 6, [That the House of Peers in Parliament is uselesse and dangerous, and ought to be Abolished, and that an Act be brought in for that purpose] to be not only void, null, and illegall in themselves by the Lawes and Statutes of this Realme, but likewise reasonable, detestable, tyrannicall,

and destructive to the Privileges, Rights and being of Parliament, the just Productions and Personall safety of the Kings of England; the fundamentall Government and Lawes of the Realme, the Lives, Liberties, Properties and Estates of the people, and the most transcendent tyranny and usurpation over the King, Kingdome, Parliament, Peers, Commons, and Freemen of England ever practised or attempted in any Age, tending onely to dishonour, enslave, and destroy this antient flourishing Kingdome, and set up Anarchy and confusion in all places.

All Which exorbitant and trayterous Usurpations; We, and all free-born English-men are by all obligations bound to oppose to the uttermost with our lives and fortunes, lest We should be necessary to our own and our posterities slavery and Ruine, for preventing whereof We have surely spent so much blood and treasure against the Malignant Party, whose treasons and insolvencies they far exceed.

* The 7. Feb. the Commons debated about the Kingly Office, and passed this Vote,

Resolved, &c. By the Commons of England assembled in Parliament, that it hath been found by experience, and this House doth declare, that the Office of a King in this Nation, and to have the power thereof in any single Person is unnecessary, burdnesome and dangerous to the liberty, safety, and publique interest of the People of this Nation, and therefore ought to be abolished, and that an Act be brought in for that purpose.

A Committee was named to bring in a List of Names (not exceeding 40) to be a Committee of State, by Act of the House of Commons. This is to pull downe one King, to whom we owe Allegiance; and set up forty Tyrants, to whom we owe no Allegiance.

Instructions were given by the Commons for drawing new Commissions for the Judges, according to the new Antimonarchical stile and way, the new Great Seal being now ready, a Committee of the House met the Judges about it; whereof six agreed to hold (upon a provision to be made by Act of the House of Commons, that the fundamentall Lawes be not abolished.) This very provision so made by Act of the Commons (beside all their former Votes against Monarchy, Petition, altering

* 100

The Kingly Office voted downe.

After almost 1000. years it is now discovered by these New Lights to be inconvenient to be in one hand; therefore it must be in the Councill of State: forty Tyrants for one King. That is the Army & their Party.

101.

A Committee to bring in a List of Names for a Councill of State.

102.

New Commissions for the Judges, where of 6. hold, and 6. quit their Places.

ring the stile of Writs, coynage of Money, &c.) is it selfe an abolition of the fundamentall Lawes. This is but a Fig-leave to cover their shame. Those that held were, of the Kings bench, Mr. Justice Rolles, and Judge Ferriman; of the Common Pleas, Mr. Justice St. John, and Judge Phesant; of the Exchequer, Chief Baron Wyld, and Baron Tass: those which quitted their Places, and kept their consciences were, Justice Baron, Justice Browne, Sir Tho. Beddingfeilde, Justice Cresswell, Baron Trevor, and Baron Atkins.

8 Febr. The Election of the Generall and Col. Rich. at Cyrenester which never durst see the light before, after about 3. yeares lying dormant, and no account made of it; is on a sudden reported to the House, approved of, and the Clerk of the Crown (for whom they have not invented a new name yet) ordered to mend the return of the Writ at the Barre.

* They likewise passed a Declaration to this purpose, that they are fully resolved to maintaine, and shall and will uphold, preserve and keep the fundamentall Lawes of this Nation; for, and concerning the preservation of the lives, liberties and properties of the People, with all things incident thereunto, with the alterations concerning Kings, and House of Lords, already resolved in this present Parliament.

should Sir, and doe the service; so they are Burgesies not returned: but ordered to sit. A Declaration. That they will keep the fundamentall Lawes, (lives) why did they erect the High Court of Justice, and doe still continue Martiall Law? (liberties) why doe they presse Seamen then? (properties) why doe they leavie illegall Taxes by Squalliers, and continue illegall Sequestrations?

Monday February 22. The Commons appointed the Circuits for those Judges that held, and passed an Act for Compleating the Judges of the severall Courts, filling up the rooms of those that held not, with some alterations in their former Commissions, and a new Oath to be given them, to swear well and truly to serve the Commonwealth in the Office of a Justice of the Upper Bench (which all our Lawes call the Kings Bench) or Common Pleas, according to the best of their skill and cunning.

The House passed an Act that the Oath under written, and no other be administred to every Freeman of the City of London at his admission, and of all other Cities, Boroughts, and Townes Corporate,

193

Cyrenester Election: But the Clerk of the Crowne certified, that (betwene the Committee of Elections, and himselfe) they could not find the Indentures of returne the House therefore Ordered, That they

* 104.

105

The Judges Circuits appointed, the Benches filled up, and their Oaths altered,

106.

A new Oath for the Freemen of London and other Corporations,

Tom

You shall swear, that you will be true and faithful to the Commonwealth of England, and in order there to, you shall be obedient to the just and good Government of the City of London, &c.

107
An Act to repeal the oaths of Allegiance, Obedience, & Supremacy.

They passed an Act also, to repeale the severall Clauses in the Statutes, 1. *Eliz.* and 3. *Jacob.* enjoyning the Oathes of Allegiance, Obedience and Supremacy, That the said Oathes, and all other Oathes of the like nature shall be, and are hereby wholly taken away, the said Clauses in the said Acts be made void and null, and shall not hereafter be administered to any Person, neither shall any place or office be void hereafter by reason of the not taking of them, or any of them; any Law, Custome, or statute to the contrary notwithstanding.

108
Another Declaration and Protestation of the secured and secluded Members.

In opposition to these tyrannous, destructive, illegall and traitorous proceedings of forty or fifty cheating Schismatics sitting under the force, and promoting the interest of will and power of the Rebellious Councell of Officers in the Army: the secured and secluded Members of the House of Commons Declared as followeth.

¶ *A Publike Declaration and Protestation of the secured and secluded Members of the House of Commons; against the treasonable and illegall late Acts and proceedings of some few Confederate Members of that dead House, since their forcible Exclusion, 13. Febr. 1648.*

VVE the secured and secluded Members of the late House of Commons, taking into our sad and serious Considerations the late dangerous, desperate and treasonable proceedings of some few Members of that House (not amounting to a full eighth part of the House if divided into ten) who confederating with the Officers and Generall Councell of the Army, have forcibly detained and secluded us (against the Honour, Freedom, and Priviledges of Parliament) from sitting and voting freely with them, for the better settling of the Kingdomes Peace; and contrary to their Oathes of Allegiance and Supremacy, their Protestation, the Solemne League and Covenant, and sundry Declarations and Re-

monstrances

monstrances of both Houses, to his late Murdered *M A J E S T Y*: His Heires and Successors; the whole Kingdoms of England, Scotland and Ireland; and to all foraigne States and Nations (since our exclusion and forced absence from their Councell, by reason of the Armies force) most presumptuously arrogated and usurped to themselves the title of, *The Supreme Authority of this Kingdom*; and by colour and pretence thereof have wickedly and audaciously presumed, without and against our privities or consents, and against the unanimous Vote of the House of Peers, to erect a *High Court of Justice* (as they terme it) though never any Court themselves, to Arraigne and condemne His Majesty, against the Lawes of God; and the municipall Lawes of the Realme: which Court (consisting for the most part of such partiall and engaged persons who had formerly vowed his Majesties destruction, and sought His blood) most illegally and unjustly refused to admit of his Majesties just reasons and objections against their usurped Jurisdiction; and without any Lawfull Authority or prooffe against him, or legall Triall; presumed most traiterously and impiously to condemne and Murder Him: and since that, have likewise presumed to Trie and Arraigne some Peers, and others *Free Subject of this Realme* for their Lives, contrary to *Magna Charta*, the *Petition of right*, the *Lawes of the Land*, and the *Liberty of the Subjects*, to the great enslaving and indangering of the lives and liberties of all free People of England.

And whereas the said confederate Commons have likewise Tyrannically and Audaciously presumed contrary to their Oathes and Engagements aforesaid, to take upon them to make acts of Parliament: (as they terme them) without our privity or assents, or the joynt consent of the King and House of Lords, contrary to the use of Priviledges of Parliament and known Lawes of the Land, and by pretext thereof have trayterously and wickedly endeavoured to Disinherit the Illustrious *C H A R L E S*, Prince of Wales, Next Heire to the Crowne, and actually *K I N G* of England; Scotland, France, and Ireland, immediately after his said Royall Fathers barbarous Murder, by Right of Descent, and Proclaime it Treason for any Person to Proclaime him *K I N G*; (whereas it is high Treason in them thus to prohibit his Proclaiming) and have likewise traiterously and impudently encroached

a tyrannical and lawlesse power to themselves to Vote down our ancient Kingly and Monarchical Government, and the House of Peers; and to make a new Great Seal of England, without the Kings *Partis* or *Stile*, and to alter the ancient Regall and Legall *Stile* of *Writs*, and proceedings in the Courts of Justice, and to create new Judges and Commissioners of the Great Seale, and to dispense with their Oaths of Supremacy and Allegiance, and to prescribe new Oaths unto them contrary to Law; (though they have no Authority by any Law, Statute, or Custome to administer or enjoyn an Oath to any man) and thereby have traitterously attempted to alter the fundamentall Laws and Governments of this Kingdom, and to subvert the freedom, privileges, and being of Parliaments; for which Treasons, Strafford and Canterbury (though lesse criminall) lost their Heads this last Parliament, by some of their owne prosecutions, and the Judgment of both Houses.

We in discharge of our respective duties and obligations both to God, the King, our owne Consciences, our bleeding dying Kingdoms, and the severall Countie, Cities, and Burroughs for which we serve, doe by this present Writing, in our own Names, and in the Names of all the Countie, Cities, and Burroughs which We represented in Parliament, publicly declare and solemnly protest before the all-seeing God, the whole Kingdoms of England, Scotland, and Ireland, and the world, that We doe from the bottome of our hearts abominate, renounce and disclaime all the said pretended Acts, Votes, and proceedings of the said confederate Members, (acted under the Armes power against our Consents) as treasonable, wicked, illegall, unparliamentary, tyrannicall, and pernicious both to the King, Parliament, Kingdomes, and all the free-borne People of this Realme, extremely disadvantageous and dishonourable to our Nation, scandalous to our Religion, and meer forcible Usurpations, and Nullities void in Law to all intents and purposes, which wee, and all the Freemen of this kingdom, and all the kingdomes and Dominions thereto belonging, are bound openly to disavow, oppugne, and resist as such, with our paroles, armes, lives, to the last drop of our blouds; and to which, neither We, nor any other can, ought, or dare to submit or assent in the least degree, without incurring the guilt of High Treason, and the highest perjury, infamy, and disloyalty.

disloyalty. And in case the said Confederates shall not speedily retract, and desist from those their treasonable practices, (which We cordially desire and entreat them by all obligations of love and respect they have to God, Religion, their King, Country and Posterity timely to doe.) We doe hereby denounce and declare them to be Traytors and publique Enemies both to the King and Kingdome, and shall esteeme and prosecute them, with all their wilfull Adherents, and voluntary Assistants as such; and endeavour to bring them to speedy and condign Punishment, according to the *Solemn League and Covenant*; wherein We trust the whole Kingdoms, all those for whom We serve, and the Lord of Hosts himself to whom We have sworn and lifted up our hands, knees, and fervent prayers will be aiding and assisting to us, and all our brethren of Scotland and Ireland who are united and conjoynd with us in Covenant to our God, and Allegiance to our Sovereigne King CHARLES the Second, who (we trust) will make good all his destroyed Fathers concessions which really concerne our peace, or safety, and secure Us against all force and tyranny of our Fellow Subjects, who now, contrary to their Trusts and former Engagements, endeavour by the meer power of that Sword, (which was purposely raised for the protection of our Persons, Government, Religion, Laws, Liberties, the KING's Royall Person and Posterity, and the Priviledges of Parliament) to Lord it over Us at their pleasure, and enchain and enslave Us to their armed violence, and lawlesse martiall wills; which we can no longer tolerate nor undergoe, after so long fruitlesse and abused patience in hope of their repentance.

About the same time came out another Paper, entituled :

¶ *Four true and considerable Positions for the sitting Members of the new Court of Justice, and new Judges, Sheriffs, Officers, Lawyers, Justices, and others to deliberate upon.*

1. **T**HAT the whole House of Commons in no Age had any Power, Right or Lawfull Authority to make any Valid or binding Act or Ordinance of Parliament; or to impose any Tax, Oath, Forfeiture, or capitall punishment upon any Person or

Free-man of this Realme, without the *Lords or Kings* concurrent assents: much lesse then can a small remnant only of the Members of that House doe it, sitting under an armed force (which nulls and vacates all their *Votes* and proceedings, as the *Ordinance* of 30. August 1647. declares) whilst most of their fellow Members are forcibly detained and driven thence, as Mr. *St. Iohn* proves in his speech concerning Ship-mony, p. 33. and in his Argument concerning the Earle of *Straffords* attainder, p. 70. 71. 76. 77. 78. and Sir *Edm. Cooke* in his 4. *Instic.* 3.

2. That the few Members now sitting in, and the House of Commons being no Court of Justice of it selfe, and having no power to here and determin any civill or criminall Causes, nor to give an oath in any case whatsoever, cannot by the Lawes and Statutes of the Realm, nor by any pretext of Authority whatsoever, erect any new Court of Justice, nor give power or authority to any new Judges, Justices, or Commissioners to arraigne, trie, condemne or execute any Subject of meanest quality, for any real or pretended crime whatsoever; much lesse their own Sovereigne Lord the King; or any Peeres of this Realm, who ought to be tried by their Peers, and by the Law of the Land alone, and not otherwise. And that the condemning and executing the King, or any Peere, or other Subject by pretext of such an illegall authority, is no lesse then high treason and wilfull Murder, both in the Members, the Commissioners, Judges or Justices giving, and executing sentence of death in any such arbitrary & lawlesse void Court, or by vertue of any such void and illegall Commissions.

3. That the House of Commons and Members now sitting, have no power nor authority to make or alter the Great Scale of England, or grant any Commissions to any Commissioners, Judges, Sheriffs, Justices of the Peace, or any other. That all the Commissions granted by them, under there new, or any other Scale, are meerly void and illegall; and all the new Writs and proceedings in Law or Equity before any Judges, Justices, Sheriffs, or other officers made by them, meerly void in Law to all intents. *et coram non judice.*

4. That the deniall of the KING'S Title to the Crowne, and plotting the means to deprive him of it, or to set it upon anothers Head, is High Treason, within the Statute of 25. *Edm. 3. c. 2.* And that the endeavouring to subvert the Fundamentall Lawes and

and Government of the Realme of England [by King, Lords, and Commons] and to introduce a tyrannicall or arbitrary Government against Law, is High Treason at the Common Law: (especially in Judges and Lawyers) not taken away by any Statute. Both which Mr. *St. John* in his Argument at Law, concerning the Bill of attainder of high Treason against *The* Earle of *Strafford*, published by order of the Commons House, *An. 1641. p. 8. 14. 20. 33. & 64. to 78.* and in his Speech at a conference of both Houses of Parliament concerning Ship money, *An. 1640.* hath proved very fully by many reasons and precedents; and *Cooke* in his 7. *Report. f. 10. 11. 12 & 3. Infit. c. 1.* That the Commons now sitting, in making a new Great Seale, without the Kings Image or Style, in granting new illegall Commissions to Judges, Justices of Peace, Sheriffs, and other Officers in the name of *Custodes Angliae* in the generall, in omitting and altering the Kings Name, Style and Title in Writs, Proccesse, Indictments, and proceedings at the Common Law, and thereby indeavouring to disinherit the *Prince*, (now *lawfull King* by and since his Fathers, bloody murther) and to alter and subvert the Fundamentall Lawes and Government of the Realme, by such Commissions and proceedings, and by the Power of an Army to enforce them; and the Judges, Justices, Sheriffs, and other Officers who accept of such Commissions, and all those (especially Lawyers) who voluntarily assist, consent, and submit to such Commissions and Akerations by such usurped illegall Authority, and the Commissioners sitting in the New Courts of Justice are most really guilty of both these High * Treasons (in which there are no accessories) and lesse excusable then *Strafford* or *Canterbury*, whom some of these new Judges and sitting Members impeached and prosecuted to death for those very Treasons themselves now acting in a more apparent and higher degree then they; (and in respect of their Oathes, Covenant, Callings and Places) are more obliged to maintaine the Kings Title, the Fundamentall Lawes and Government, the Rights and Liberties of the Kingdome and Parliament then they; and therefore (if they persevere therein) may justly expect the selfe same capitall punishments they underwent, if not far worse; especially since they attempt to reduce the *antientest Kingdome of all Christendome* into the *meanest and most miserable State* in all the World;

* Whereupon
six Judges refused to accept
any new Commissions, or to
act as Judges.

and thereby to render us the most infamous, perfidious, and dishonorable Nation under Heaven, both to the present and all succeeding Ages : which must needs make the Contrivers and Abettors thereof the most detestable Traytors and publique Enemies to their King and Native Country that ever this Realm brought forth in any Age. Repent therefore of these your treasons, and amend your lives, if you expect the least hope of pardon from God or Man; and expiate all your former high misdemeanors, by engaging all your power and endeavours to settle all things in Church and State according to your primitive engagements; instead of accumulating one sin and Treason to another, which will prove your certain ruine in conclusion, not your safety.

About the same time, and (it is thought) from the same Author came forth a Paper bearing the Title of,

110.
Six Propositions
ons of undoubted
verity.
Another Pa.
per

¶ Six Propositions of undoubted verity, fit to be considered in our present emergency by all loyall Subjects and conscientious christians.

Every Act of Parliament re-
latheth to the
first day of the
same Parliam:
but it cannot
be that any
Act passed in
the Reigne of King
CHARLES the Second
should relate to the
first day of this
Parliament, which
happened in the
sixteenth year of
CHARLES the First;
death of King CHARLES the First.

1. **T**hat this Parliament is *ipso facto* Dissolved by the King's death; He being the Head, Beginning and End of the Parliament, called only by his Writ; to Confer with Him as His Parliament and Councell about urgent affairs, concerning Him and His Kingdom, and so was it resolved in 1 Hen. 4. Rot. Parl. n. 1, 14. H. 4. Coke. 4. Pr. 34. p. 46. & 40. 4 f. 44. b.

2. That immediately upon this Parliaments dissolution by the Kings death, all Commissions granted by the King, or by one or both Houses to the Generall or Officers of the Army, the Commissioners of the Great Seale of England, Judges of the Kings Courts, Justices of Peace, Sheriffs, Excise-men, Customers, and the like, with all Commissions, and Ordinances of one or both houses made this Parliament, did actually determine, expire, and become merely void in Law to all intents and purposes, and cannot be Continued as good and valid by any power whatsoever.

3. That instantly after the Kings decease, the Imperiall Crowne

Crowne of this Realme of *England*, and of the Kingdoms, Dominions, and Rights thereunto belonging, was by inherent Birth-right, and Lawfull undoubted succession and descent actually vested in the most Illustrious *Charles*, Prince of *Wales*; being next lineall Heire, of the blood Royall to his Father, King *Charles*; and that He is actual King thereof, before any Ceremony of Coronation, as is resolved in full Parliament, by the Sentence of *10 Jacob*, ch. I. and by all the Judges of *England* since. *Coke* 7. Report. f. 10. 11. in *Calvins* Case, Whose Royall Person and Title to the Crowne all loyall Subjects are bound by their Oaths of Supremacy, Allegiance, and Solemn League and Covenant, with their Estates, Lives, and last drop of their bloods, to maintaine against all Opposers.

4. That all Peers of the Realme, Mayors, Sheriffs, chief Officers of Cities and Corporations in this Kingdome, are obliged by their Places and Allegiance, without any delays or excuses, to declare and proclaime Prince *Charles* to be rightfull King of *England*, and of all Kingdomes and Rights thereunto belonging; notwithstanding any illegall prohibitions or menaces to the contrary by any usurped Power whatsoever, under paine of being guilty of High Treason, and forfeiting their City and Corporation Charters, in case of supine neglect or refusal thereof; through feare, terror, or any sinister respect.

5. That till King *Charles* be seetled in his Throne, or give other Order, the present Government of the Kingdome is legally vested onely in the Lords and Peers of the Realme, being by Inheritance, Customs and Law in such case, the Kings and Kingdoms great Counsell; to whose lawfull Commands all other Subjects ought to yeeld ready Obedience.

6. That every professed actual endeavour by force or otherwise to alter the fundamentall Monarchicall Government, Laws, and legall Style and proceedings of this Realme; and to introduce any new Government or Arbitrary proceedings contrary thereunto, is no lesse than High Treason, and so declared and resolved by the last Parliament, in the Cases of *Strafford* and *Canterbury*, the losse of whose heads (yet fresh in memory) should deterre all others from pursuing their pernicious courses and outstripping them therein; they being as great, potent, and as faire out of the reach

reach of danger and justice in humane probability as any of our present Grandees.

111
A New Stamp
for Coyne.

112
Instructions
for the Coun-
cel of State.

113
Powers given
to the Council
of State.

That no Act of Rebellion and Treason might be unattempted by this Conventicle, no part of the Regalities of the King, or Peoples Liberties unviolated; they considered of a new Stamp to be given to all Coyne (for the future) of this Nation.

13. Feb. They considered of instructions and power to be given by way of Commission to the said Committee, or Council of State.
1. For the Government of the two Nations of *England and Ireland*, appointing a Committee to bring in the Names of those *Hogens Mogens*; and to perfect their instructions: for, [1] Ordering the Militia. [2] Governing the People, (they were wont to be Governed by known Lawes, not by arbitrary instructions, and by one King, not by forty Tirants, most of them base mechanicks, whose education never taught them to aspire to more knowledge then the Office of a Constable.) [3] Settling of trade. (most of them have driven a rich trade in the Worke of Reformation for themselves.) [4] Execution of Lawes, (this was wont to be done by legall iworne Iudges, Iuries, and Officers.

14. Febr. The Committee reported to the House the Names of the Committee of State, or Lords States Generall. Also the Power they were to have, viz. 1. Power to command and settle the Militia of *England*, and *Ireland*. 2. Power to set forth ships, and such a considerable Navy as they should thinke fit. 3. Power to appoint Magazines and Stores for the Kingdomes of *England and Ireland*, and dispose of them from time to time for the service of both Nations, as they shall thinke fit. 4. Power to sit and execute the severall powers given for the space of one whole yeare; with many other powers not yet revealed, and dayly increased: besides what improvements of power they are able to make hereafter, having the Militia of an Army (that formidable Hobgoblin) at their Command. They have two Seales appointed, a Great Seale, and a Signet. Patents for Sheriffs, and Commissions for Iustices; and Oathes for both, were Reformed according to the Godly cut.

When

When the Committee of State was nominated in the House; divers Gentlemen of the best quality were named; whom they could not admit, because they had sate with them, and concurred in all their great debates: although they had more confidence in those petty fellows, who had, or would sell their Soules for gaine, to make themselves Gentlemen, to debarre the said Gentlemen of quality therefore and make them forbear, they invented an expurgatory Oath or *Shiboleth* to be taken by every Member before his initiation, whereby they should Declare, *That they approved of what the House of Commons and their High Court of Justice had done against the KING, and of their abolishing of Kingly Government, and of the House of Peers, and that the Legislative and Supreme Power was wholly in the House of Commons.* 22. Febr: Cromwell (Chairman of that Committee of State) reported to the Commons, *That according to the Order of that House, 19. of the said Members had subscribed to that forme of the Oath as it was originally penned: but 22. of them scrupled it, whereof all the Lords were part, not but that they confessed (except one) The Commons of England to be the Supreme power of the Nation, or that they would not live and die with them in what they shall doe for the future, but could not confirme what they had done in relation to the King and Lords: so it was referred to a Committee to consider of an expedient.*

An expurgatory Oath put upon the Councell of State; scrupled by some of the Members, and moderated by Cromwell, in opposition of the Levellers.

Cromwell (having made use of the Levellers (Assertors of publique Liberty) to purge the House of Commons, and abolish the Lords House) doth now endeavour to cast downe the Levellers once more, finding himselfe raised to so great a height, that he cannot endure to thinke of a levelling equality; he overswaies the Councell of Warre, over-awes the House of Commons, and is Chairman and Ring-leader of the Councell of State: so that he hath engrossed all the power of England into his owne hands, and is become the Triple King, or Lord Paramount over all the Tyrants of England; in opposition therefore to the Levelling authority of Parliament, untill they had made use of the Levellers to purge the House of Commons, and make it subservient to their ends; and abolish the House of Lords: and then they cried up the Supreme Authority of their House of Commons, and decried the Liberty of the People, and the Levellers who upheld it. So Charles the 1. first made use of the Popes Authority to subdue the Protestants of Germany, and then used an Army of Protestants to subdue and imprison the Pope.

115
Cromwells usurped Power. When the House of Commons opposed Cromwells and Iretons designs, they cried up the Liberty of the People, and decried the Au-

party, and for the upholding his own more Lordly Interest, he procured an expedient to alter and Reforme the said Oath, which at last passed in this form following :

February 22. 1648.

116.
The forme of
the said reformed
Oath.

I A. B. being nominated a Member of the Councell of State by this present Parliament, do testifie, that I doe adhere to this present Parliament, in the maintenance and defence of the publique liberty and freedom of this Nation as it is now Declared by this Parliament, (by whose Authority I am constituted a Member of the said Councell) and in the maintenance and defence of their resolutions concerning the settling of the Government of this Nation for the future, in way of a Republique without King or House of Peers, and I do promise in the sight of God, that (through his Grace) I wil be faithfull in performance of the trust committed to me as aforesaid, and therein faithfully pursue the Instructions given to the said Councell by this present Parliament; and not reveal or disclose any thing in whole or in part, directly, or indirectly, that shall be debated or resolved upon in the Councell, without the command or direction of the Parliament, or without the order or allowance of the major part of the Councell or of the major part of them that shall be present at such Debates or resolutions : In confirmation of the premises, I have hereto subscribed my Name.

Here you see a curtaine drawn between the eyes of the people & the clandestine machinations & actings of this Councell.

117.
The Court was
debate to massacre
the Kings
party. See *will:
Sedgwick* [justice
upon the
Armies Remon-
strance.]

118.
Schismaticall
Petitions for 2
or 3 principall
Gentlemen in
each County to
be brought to
Justice,

About this time it was debated at the Councell of Warre to *Massacre and put to the Sword all the KINGS Party.* The Question put was carried in the Negative but by two Voices. You see what Furies pursue these sinfull wretches, and what danger rocks they dash upon, in order to that base and cowardly principle of Self preservation.

The Army hath in every County of England packs of schismaticall Beagles, whom they hollow on to hunt in full cry (by Petitions to the House) after the blood of such whom they design for slaughter. Many Petitions have been lately presented, That two or three principall Gentlemen of the KING'S Party (by name) in each County, might be sacrificed to Justice; whereby the Land might be free from blood-guiltinesse.

Divers

Divers Merchants have contracted to send forth severall Ships for the next Summers Fleet at their owne charge.

The prodigious High Court of Justice was revived in order to the Trial of the Earl of Holland, the Earl of Cambridge, the Earl of Norwich, the Lord Capel, and Sir John Owens; the Commissioners were changed (that they may engage as many men in arbitrarie, illegall tyranny and bloudshed as they can.)

Hamilton was exceedingly importuned by Cromwell (who took a journey to Windsor purposely) to name such Members of Parliament and Citizens as had any hand in calling him in: this he either could not, or would not doe; he had (in order to his own ambition) first exasperated the Independent party against the KING, and afterwards sought their ruine by engaging for the KING: and he doubted that to undertake so odious an office as to play the Devils part, and be an Accuser of his Brethren, would but set a glosse upon the Independents intended severity against him. Being brought to St. James's in order to his Tryall, Cromwell (hoping to traine him to a confession) caused all his Creatures to carry a favourable countenance to him. Bradshaw smoothed him up with soft language at the Barre, the Lord Gray of Grooby, Col: Wayte, and Hugh Peters, gave him hopes that they would not much obstruct his pretended Plea of Quarter from Lambert upon Articles, Peters avouched Quarter so given by Lambert; notwithstanding Colonell Wayte (when he made Report to the House of Commons how he took him) affirmed *He yielded at discretion, and Lambert was not then near him*; after this Peters gives Hamilton a Visite, who gives Peters thanks and money to boot for his late favour done him in court; and knowing him to be an Instrument of Cromwells, imployed him as his solicitor to the Members of the House and Army. Peters prays for Hamilton openly as his Lord and Parron, still feeding him with hopes, *If he would Impenach their Opposier*: yet still he waved this, offering them 100000^l. for his life, and often inculcating what services he would do them in Scotland; for which purpose he offered to joyn interests with Argyle, & be a servant to their party. Messengers were posted into Scotland to know Argyles pleasure; But he had been over-reached formerly by Hamilton, & he was resolved to admit no competitor, which would have eclipsed his greatness,

Merchants arming ships for this Summers Fleet.

The High Court of Justice revived.

The History of Hamiltons imprisonment and death. See dignus dei upon Duke Hamilton.

Quere, What an accusation extorted for fear of death and hope of life is worth? Hamilton confessed at his death he had been much pressed, yet had named no man.

Argyle.

ness, and have made him the sole Patron of Scottish independency: Besides, the Kirke so farre hated *Hamilton* that they preached of his head in *Scotland*, before it was cut off in *England*: the High Court of Justice lingered long in expectation of an Answer; at last such a one came as decried all reconciliation with *Hamilton*; whereupon the scene was altered presently, *Bradshaw* handled him roughly at the Bar, *Mar. 6.* Those which smiled on him before, frowned now; being asked *what he could say?* he pleaded *Quarter*, and vouched *Peters* Testimony: who with a brazen face renounced his former Testimony, saying, *He now remembered no such matter, but that the Army scorned to give Quarter to him, or any of his Nation:* whereupon, he was condemned to the Block; which Sentence was executed upon him *March 9.* yet they fed *Hamilton*, with vaine hopes to the last gasp, for feare he should give glory to God, and throw shame and infamy upon themselves by a Christian confession of his, *Argyles*, and their mutuall villanies: besides, such a discovery would have made *Argyle* lesse serviceable to them in *Scotland*, whose next designe is to cajole the Kirk by seeming an enemy to the sectaries of *England*, and pretending to serve the Presbyterian Interest. Thus I conclude the Tragedy of Duke *Hamilton*.

When *Hamilton* was upon the Scaffold, divers officers of the Army, and *Hugh Peters* conversed familiarly with him, to the last; and Messengers passed to & fro.

122

The Death of the *Ld. Capell*.

In opposition to whom, I will briefly relate the Tragedy of the noble *Lord Capell*, a Gentleman of great courage and integrity. He made an adventurous escape out of the Tower, but was retaken by the Treachery of a Limping Water-man, (If I knew his Name I would bestow a blot of Inke upon him.) He pleaded for himselfe *Articles of Surrender* (which were recall in him, though not in *Hamilton*) that *drivers that were in Colchester, and in his condition, had been admitted to Compound; and desired to be referred to Marshall Law,* which being denied, he moved, *he might not be debarred of additionall defence; if He must be judged by the Common Law, then he demanded the full benefit of that Declaration of the Commons 19. Feb. 1648. which Enacteth & Declareth, That though King and Lords be laid aside, yet all other the fundamentall Lawes shal be in force concerning the lives, liberties and properties of the Subject: and recommended to them Magna Charta, The Petition of right, 3. Caroli. and the Act made H. 7. for indemnity of all such as adhered to the present King in possession* also

also the acception in the Act of Attainder of Strassford and Canterbury, which saies, *Their Cases shall not be used as a precedent against any man*: He desired to see his Jury, and that they might see him, and so might be Tried by his Peers, saying, *He did believe no Precedent could be given of any subject Tried, but by Bill of Attainder in Parliament, or by a Jury*. But all was but to charm a deaf Adder. He was a gallant Gentleman, and they durst not let him live.

The King's Library at St. James's was given (I heare) to that ignorant Stage player *Hugh Peters*.

26. Febr. *John Lytborne* delivered to the Commons (by the name of the *Supreme Authority of England*): *A Petition in the name of many thousand wel. affected*, with a Book annexed, entituled, *Englands new Chains discovered*. The most materiall points thereof are, that they find fault with *The Agreement of the People*, presented to the House by *Lieur. Gen. Hammond*, from the Officers of the Army: because

1. They like not there should be any intervals between the end of this Representative now sitting, & the beginning of the next, whereby during the said intervall the Supreme Power will be left in the new erected Councell of State, a constitution of a new and unexperienced nature, which may design to perpetuate their power, and keep off Parliaments and Representatives for ever

2. They conceive no lesse danger in that it is provided that Parliaments for the future, are to continue but 6. Months, and the Councell of State 18. Months; in which time having Command of all the forces by Sea and Land, they will have great opportunities to make themselves absolute and unaccountable

3. They are not satisfied with that Clause in the said Agreement, That the Representative shall extend to the erecting and abolishing Courts of Justice; Since the alteration of the usuall way of Tryall by 12 sworn Men of the Neighbourhood may be excluded therein, as hath lately been done by erecting a new High Court of Justice criminal under a President & Commissioners, or Tryers picked and chosen in an unusuall way, all liberty of exceptions against them being overruled.

4. They are not satisfied with that Clause in the Agreement, That the Representative have the highest finall Judgment; since

123
The Kings Library at Saint James's given to *Hugh Peters*

124
L. C. Lytburns Petition to the House, with *Englands new Chains* annexed. See the hunting the Foxes, &c. p. 8.

their Authority is onely to make Generall Lawes, Rules and Directions for Courts, and Persons assigned by Law to execute them, unto which the Representatives themselves are to be subject, it being a great partiality and vexation to the People, that the Law-makers should be Law-executors.

5. They find fault with the Excise, calling it, the great obstructor of all Trade, farre surmounting Ship-money, and all Patents, Projects, and Monopolies before this Parliament.

6. The Act for pressing of Sea-men.

7. The Generall and Officers obstructing the Presse.

8. The Chancery and Courts of Justice not regulated.

9. They complain that a Councell of State is hastily chosen as Guardians of the Peoples liberties, with a vast and exorbitant power.

1. To command, order, and dispose of all Forces by Sea and Land, and all Magazines of Store in England & Ireland. 2. To dispose all Publique Treasures. 3. To command any Person whatsoever before them, to give Oath for discovery of Truth. 4. To Imprison any that shall disobey their Commands, and such as they shall judge contumacious: what now is become of Magna Charta, and the Liberties of the People, That no Mans Person shall be Attached or imprisoned or Disseised of his Free-hold or Free-customes but by Lawfull Judgement of his Equals? This Councell of State hath got all Power into their hands (a project long laboured) and now their next motion will be (pretending ease to the People) to Dissolve this Parliament.

10. The Petitioners complain, that in order to settle their Tyranny, the Councell of Officers insisted upon it, That a motion should be made to the House of Commons, to enable them to put to death by Martiall Law all such as they shall judge by Petitions or otherwise to disturbe the present proceedings, whether Members of the Army, or not. And when it was urged, That the Civil Magistrate should doe it: it was answered, * They could hang many ere the Magistrate could hang one. The prayer of their Petition is:

1. That the Self-denying Ordinance be observed.

2. That they would consider how dangerous it is, to continue the Highest Military Commands so long in the same Persons, especially acting so long distinct: and of themselves, as those now in Being have done

Hunting the Foxes p. 8. says it was Iretons invention.

* The saying of Col. Hewson the one-eyed Cobler, See Hunting the Foxes, p. 10

done, and in such extraordinary ways, whereunto they have accustomed themselves, which was the originall of most Tyrannies.

3. That they would appoint a Committee of Parliament-men, to hear and determine all controversies between Officers and Officers, Officers and Soldiers: To mitigate the rigour of Martial Law, and to provide it be not executed upon any, not Members of the Army.

4. That they will open the Presses.

5. That they will dissolve this Council of State, threatening so manifest Tyranny.

6. That they will severely punish all such as acting upon any Order, Ordinance, or Act of Parliament, shall exceed the power conferred on them.

After this, came forth a second part of Englands new Chained discovered, setting forth the hypocrisie and perfidiousness of the Councell of the Army and the Grandees, in cheating all Interests, King, Parliament, People, Soldiers, City, Agitators, Levellers, &c. which tells you, That the Grandees walk by no principles of honesty or Conscience, but (as mere Politicians) are governed altogether by occasion as they see a possibility of making progresse to their Designs; which course of theirs they ever termed, A waiting upon Providence, that under colour of Religion they might deceive the more secretly. It tells you, their intent is to Garrison all great Towns, to break the spirits of the People with oppression and poverty, It farther Declares, that these Grandees judge themselves loose when other men are bound, all Obligations are to them Transitory and Ceremoniall, and that every thing is good and just as it conduceth to their Interests. That the Grandees never intended an Agreement of the People, but onely to amuse that party, whilst they hastily set up a Councell of State to establish their tyranny; that to prepare the way to this, they broke the House of Commons, tooke away the House of Lords, removed the King by an extrajudiciall way of proceedings, and erected such a Court of Justice as had no place in the English Government. That the remainder of the House of Commons is become a meer channell through which is conveyed all the Deerees and Determinations of a private Councell of some few Officers. All these, and the Votes, That the Supreme Power is in the People, & the supreme Authority in the Commons their

125.

A second part
of Englands
New Chains

See the Hunting of the Foxes, &c. p. 6. 7. 8.

Return to Sect. 2. & 5.

their Representative, were only in order to their Interest of will and Power. That they place their security in the divisions of the People. That if the present House of Commons should never so little crosse the ambition of these Grandees, they would shew no more modesty to them then they have done to the excluded Members : And so it concludes with a Protestation against their breaking the Faith of the Army with all Parties, their dissolving the Councell of Agitators, and usurping a power of giving forth the sense of the Army against the Parliament and People, against their *shooting to death the Souldier at Ware*, and their cruelties exercised upon other Persons, to the debasing of their Spirits, and thereby new moulding the Army to their Designes : against their playing fast and loose with the King and his party, till they had brought a new and dangerous Warre upon this Nation. They also protest against their dissembled Repentances, against their late extraordinary proceedings in bringing the Army upon the City, (to the ruine of Trade) their breaking the House of Commons in pieces, without charging the Members particularly, and then judging and taking away mens lives in an extraordinary way ; as done for no other end but to make way for their own absolute Dominion. They also protest against the Election and establishment of those High Courts of Justice, as unjust in themselves, and of dangerous Precedent in time to come ; as likewise against the Councell of State, and putting some of themselves therein, contrary to their own Agreement. They also protest against all other the like meetings of those Officers, that on Thursday. 2. Feb. Voted for so bloody a Law, as to hang whom they should judge disturbed the Army, as having no power either by such Councells to give the sense of the Army ; or to judge any person not of the Army, or to do any thing in reference to the Commonwealth.

126
The Hunting of the Foxes from Triplo & Newmarket by 3. small Beagles, p. 8.

About this time also became publique a pretty Booke, entituled [*The Hunting of the Foxes from New-Market and Triplo to White-hall by 5. small Beagles*] which tells you, That the Grandee Officers of the Army to keepe the Souldiers quiet, did formalize about an Agreement of the People whilst they carried on their platforme of absolute Tyranny (long since hatched by *Ireton*) by erecting a Councell of State : no sooner was this monster borne,

borne, but it devoured halfe the Parliament of *England*, and now it is adorning it selfe with Royall Magnificence, and Majesty of courtly Attendants, and like the thirty Tyrants of *Athens*, to head it selfe over the People; this is, and yet this is not our new intended King, there is a King to succeed, this is but his Viceroy. *O Cromwell!* whither art thou aspiring? the word is already given out amongst their Officers, *That this Nation must have one prime Magistrate or Ruler over them, and that the Generall hath power to make a Law to bind all the Commons of England*: this was most daringly and desperately avowed at *White hall*, and to this temper these Court Officers are now a moulding: he that runs may read and fore-see a new Regality, thus by their Machiavilian pretences and wicked practises, they are become Masters and Usurpers of the name of the Army, and of the name of the Parliament, under which Visors they have levelled and destroyed all the Authority of this Nation; for, the Parliament in deeds and in truth is no Parliament, but a Representative Glasse of the Councill of Warre; and the Councill of Warre but a Representative of *Cromwell*, *Ireton*, and *Harrison*: and these are the *All in All* of the Nation, which under the guises and names of Parliament, Army, Generall Councill, High Court, and Councill of State, play all the strange pranks that are played. And further, p. 13. The conclave of Officers have sucked in the venome of all former corrupt Courts and interest, the *High Commission*, *Starre Chamber*, the *House of Lords*; the King and his privy Councill are all alive in that Court called, *The Generall Councill of the Army*. 1. The King stood upon it, *That He was accountable to none but God, that He was above the Parliament and People*; and to whom will these men be accountable? to none on Earth: and are they not above the Parliament? they have even a Negative Voice therover, formerly the Commons could passe nothing without the House of Lords, and now they dare passe nothing without the concurrence of the conclave of Officers: we were formerly ruled by *King, Lords, and Commons*; now by a *Generall, Court Martiall, and House of Commons*: what is the difference? the Lords were over-ruled those few they left sitting to unvote in a thin House, what was voted in a full House; this is more then to usurpe a Negative Voice over them, returns to sect. 18. 23, 28.

The House by
Vote, 5. Dec.
1648. Voted;
the King's con-
cessions a
ground, &c.
And the Army
secured and ex-
pelled 250.
Members for
using liberty to
vote according
to their consci-
ences; and o-

not Members both of the House of Peers, and of the House of Commons; but the Officers, (our martiall Lords) are Members both in the House, or Councell of Officers, and in the House of Commons, we have not the change of a Kingdome to a Common-wealth; we are only under the old cheat, *A transmutation of Names*, but with the addition of *new Tyrannies*, for casting out *one unclean Spirit*, they have brought with them in his stead *seven other unclean Spirits more wicked than the former*, and they have entred in and dwell there, and the last state of this Common-wealth is worse than the first. Lastly, they set downe some illegall proceedings and Examinations before the Councell of Warre, exceeding the *High Commission, and Starre-Chamber*.

These three Books shew the late endeavours of the *Agitators*, and that party which the *Grandees* Politickly mis-call (to cast an odium upon them) *Levellers*; they are the trust Assertors of *humane liberty*, and the most constant and faithfull to their Principles, and party of any in the Army; and though they have many redundancies and superfluous Opinions fit to be pruned off by conversing with discreet honest Men, or rather by a discreet and just publike Authority, (which I am confident is feasible, since *their principles* concenter in the publike, not in their owne private Interests and Opinions, and are no otherwaies changeable than conduceth with the emergent occasions of the Common-wealth) yet they are but like the water boughs of a healthy fruit Tree, rather troublesome than dangerous, whereas the designs of their Antagonists (like rocks under water, or poyson in well-cooked meat) destroy before they are discovered.

127.
The Authors
censure of the
Levellers.

128.
The Authors
censure of His
Majesties *Post-
humus* worke,
entituled, [The
Portraiture
of His Sacred
Majesty in his
Solitudes and
Sufferings.]

About this time arose a Phoenix out of His Majesties Ashes, that most excellent Issue of His Brayne, Entituled, [THE POR-
TRAICTURE OF HIS SACRED MAJESTY IN
HIS SOLITUDES AND SUFFERINGS.] A Book full fraught
with *wisdomes, Divine and Humane*, shewing him to be *more than*
Conquerour of His Enemies in His rare *Christian patience and cha-
rity*; the very reading of it aggravateth our loss of so Gracious
and excellent a Prince, that had learned the whole method of
humane perfection in the school of adversity. Herod and his *Jewes*
never persecuted Christ in his swadling-clothes with more indu-
strious malice, then the Antimonarchicall Independent Faction,
this.

this Book in the Presses and Shops that should bring it forth into the world, knowing that as the remembrance of Heaven strikes a horror into us of Hell, So the contemplation of his virtues will teach us to abhor their vices.

March 8. 1648. The Commons assented to a new Form of a Writ for election of Knights and Burgeses for the Parliament.

129.
The forme of Writs for Elections changed.

But three dayes before it was reported to the House from the Councell of State, what number of Horse and Foot they thought fit to be kept up for the service of England and Ireland, and the Monthly charge, which estimated comes to 160000*l.* per mensem You see we are likely to finde these our new Lords such gracious Masters to us, that (*as the second part of Englands new Chaines saith*) *We shal have Taxes, ibough we have neither Trade nor Bread.* In the Earle of Essex time (when the Warre was at the highest) the Monthly Tax came but to 54000 *l.* a Month, yet had we then seven or eight Brigades besides his Army and Garrisons: But that the Faction of Saints may carry on the worke of a thorow Reformation in our Purses, as well as they have done in the Church and Common-wealth, they first raised the Tax to 60000 *l.* a Month for England, besides 20000 *l.* a Month pretended for Ireland (but I believe little of it slips through their sanctified fingers to go thither.) And now (to shew they can use double dealing against the *W*agodly) they would double the summe from 80000 *l.* to 160000 *l.* a Month; this is to break our hearts with poverty, and make them take what impressions of slavery they please to set upon them; this Conventicle of State will engrosse all the Coyne and Treasure of the Land into their owne hands, and then subdue us therewith, and make us (like slavish Egyptians) *sell our selves and our Lands for Bread, or money to buy Bread*, when (that inseparable companion of a long Warre) *Famine* approacheth, which their barbarous and illegal Sequestrations (unstocking mens Farmes and laying them wast) will inevitably bring upon us; they have more hope to subdue and lessen the number of their Opposites *by famine and want, than by the sword*; in Order to which, they have destroyed the Trade of the City, and undone multitudes of Trades-men, who being disabled to pay their Taxes, the Army cause all their Arrears to be leaved upon the City by a new Tax upon the rest of the Inhabitants and the Out-

130.
A new establishment for the army reported to the House from our new Masters the councell of state.

landlords; and when Cromwell was told, *this would undoe the City*, He answered, *It was no matter, the more were undone, the more would clap Swords to their sides and come in to the Army: you see Souldiery is intended to be the chiefe trade.*

March 17. 1648 The empty House of Commons in farther prosecution of their said designe, and to please their Masters of the Army, passed, printed, and published in the forme and style of a Statute this paper following: entituled,

An Act for the Abolishing the Kingly Office in England, Ireland, and the Dominions thereto belonging.

WH^{ereas} Charles Stuart late King of England, Ireland, and the Territories and Dominions thereunto belonging, hath by Authority derived from Parliament, been, and is now declared to be justly condemned, adjudged to die and put to death, for many Treasons, Murthers, and other haynous offences committed by him, by which judgment he stood and is hereby declared to be attainted of High Treason, whereby his Issue and Posterity, and all others pretending Title under him, are become incapable of the said Crowns, or of being King or Queene of the said Kingdome or Dominions, or either or any of them:

Be it therefore Enacted and Ordained, and it is Enacted, Ordained and Declared, by this present Parliament, and by Authority thereof, That all the People of England and Ireland, and the Dominions and Territories thereunto belonging, of what degree or condition soever, are discharged of all Fealty, Hommage and Allegiance which is or shall be pretended to be due unto any of the Issue and Posterity of the said late King, or any claiming under him; and that Charles Stuart eldest Sonne, and James called Duke of Yorke, second Sonne, and allover the Issue and Posterity of him the said late King, and all and every person and persons pretending Title from, by, or under him, are and be disabled to hold or enjoy the said Crown of England and Ireland, and other the Dominions thereunto belonging, or any of them; or to have the Name, Title, Stile or Supremacy. The Statute of Recognition, 1 Jac. but the Commons are now so Supreme, as in imitation of the Pope to bring this clause in practice, *Licet de jure non possumus, tamen pro ple-*

131
An Act for Abolishing the Kingly offices, &c.

Since by the law, the Crown cures all defects; how can the Kings bloud be attainted.

We have sworn faith and allegiance to K^{Charles} the First, His lawfull Heyres and Successors, and our Vowe is recorded in Heaven, from which no power on earth can absolve us. See the Oathes of Allegiance, Obedience, and Supremacy. The Statute of Recognition, 1 Jac. but the Commons are now so Supreme, as in imitation of the Pope to bring this clause in practice, *Licet de jure non possumus, tamen pro ple-*

Dignity

Dignity of King or Queene of England and Ireland, Prince of Wales, or any of them; or to have and enjoy the power and Dominion of the said Kingdomes and Dominions, or any of them, or the Honours, Manors, Lands, Tenements, Possessions, and Hereditaments belonging or appertaining to the said Crowne of England and Ireland, and other the Dominions aforesaid, or to any of them; or to the principality of Wales, Dutchy of Lancaster or Cornwall, or any or either of them, any Law, Statute, Ordinance, Usage or Custome to the contrary hereof in any wise notwithstanding: And whereas it is and hath been found by experience, that the Office of a King in this Nation and Ireland, and to have the power thereof in any single Person, is unnecessary, burthensome and dangerous to the liberty, safety and Publique interest of the People, and that for the most part, use hath been made of the Regall power and prerogative, to oppresse, impoverish and enslave the Subject; and that usually and naturally any one Person in such power, makes it his interest to encroach upon the just freedom and Liberty of the People, and to promote the setting up of their own will and power above the Lawes, that so they might enslave these Kingdomes to their owne lusts: * Be it therefore enacted and Ordained by this present Parliament, and by authority of the same, That the Office of a King in this Nation, shall not hence forth reside in, or be exercised by any one single person; and that no one Person whatsoever, shall, or may have, or hold the Office, Stile, Dignity, Power or Authority of King of the said Kingdoms and Dominions, or any of them, or of the Prince of Wales, Any Law, Statute, Usage or Custome to the contrary thereof in any wise notwithstanding. And it is hereby Enacted, That if any person or persons shall endeavour to attempt by force of Armes, or otherwise, or be ayding, assisting, comforting or abetting, unto any person or persons that shall by any waies or means whatsoever, endeavour or attempt the reviving or setting up againe of any pretended Right of the said Charles, eldest sonne to the late King, James called Duke of Yorke, or of any other the Issue and Posterity of the said late King, or of any person or persons claiming under him or them, to the said Regall Office, Stile, Dignity, or Authority, or to be Prince of Wales; or the promoting of any one person whatsoever, to the Name, Stile, Dignity, Power, Prerogative or Authority, of King of England and Ireland, and Dominions as aforesaid

All our Lawes cut off by the non obstante of the 8th. part of the House of Commons sitting under a force.

After almost 1000 years experience it now found to be dangerous.

The English were never one half-quarter so much enslaved since William the Conquerour subdued them, as they have been since Oliver the Brewer subjugated them.

* But in a Councell of forty Tyrants sitting under the protection and awe of Officers

High Treason is what these Legislative Thieves list to make it, an Arbitrary crime, notwithstanding the Stat. 25 Ed. 3 for limiting and ascertaining of Treasons, for security of the People. Tyberius and Nero's daies are fallen upon us; of which Tacitus *Ingens crimen divitiæ, & complementum omnium accusationum, læsa majestas.*

* When was England governed by their owne Representative? or had any other regliment then Kings? But what the Legislative Conventicle declares, we must beleive though contrary to our knowledge. They will lead

our faith and reason in a string, or have our necks in a halter. A period to this Parliament and leave the Supreme power in the Councell of State, a designe long since attempted. See 1. and 2. part of *England's New chaines*, and the *Hunting of the Foxes*. No obedience is due by Law to them, which takes no notice of this form of Government.

foresaid, or any of them; That then every such offence shall be deemed and adjudged High Treason, and the Offenders therein, their Councillors, Procurers, Ayders and Abettors being convicted of the said Offence, or any of them, shall be deemed and adjudged Traytors against the Parliament and People of England, and shall suffer, lose and forfeit, and have such like and the same paines, forfeitures, judgments and execution, as is used in case of High Treason: And whereas by the abolition of the Kingly Office provided for in this act, a most happy way is made for this Nation (if God see it good) to returne to its just and ancient right of being Governed by its owne Representatives or Nationall meetings in Councell*, from time to time chosen and entrusted for that purpose by the People; It is therefore Resolved and Declared by the Commons assembled in Parliament, that they will put a period to the sitting of this present Parliament, and dissolve the same so soon as may possibly stand with the safety of the people that hath entrusted them, and with what is absolutely necessary for the preserving and upholding the Government now settled in the way of a Common-wealth; and that they will carefully provide for the certain chusing, meeting and sitting of the next and future Representatives, with such other circumstances of freedom in choice and equality in distribution of Members to be elected thereunto, as shall most conduce to the lasting freedom and good of this Common wealth: And it is hereby further Enacted and Declared, notwithstanding any thing contained in this Act, no person or persons of what condition and quality soever, within the Common-wealth of England and Ireland, Dominion of Wales, the Islands of Guernsey and Jersey, and Town of Berwick upon Tweed, shall be discharged from the obedience and subjection which he and they owe to the Government of this Nation, as it is now Declard, but all and every of them shall in all things render and perform the same, as of right is due unto the Supreme Authority hereby declared to reside in this and the Successive Representatives of the People of this Nation, and in them only.

About the same time they passed another Act, for abolishing the House of Peers, to this purpose.

The Commons of England assembled in Parliament, finding by too long experience that the House of Lords is uselesse and dangerous to the People of England to be continu'd. have thought fit to Ordaine and Enact, and be it ordained and Enacted by this present Parliament, and by the Authority of the same, That from henceforth the House of Lords in Parliament shall be, and is hereby wholly abolished and taken away & that the Lords shal not from henceforth meet, or sit in the said House called the Lords House, or in any other House or place whatsoever, as a House of Lords; nor shall sit, vote, advise, adjudge, or determine of any matter or thing whatsoever as a House of Lords in Parliament. Neverthelesse it is hereby Declared, That neither such Lords as have demeaned themselves with honour, courage, fidelity to the Common-Wealth, nor their Posterities who shal so continue, shall be excluded from the publique Councils of the Nation, but shall be admitted thereunto, and have their free vote in Parliament if they shall be thereunto elected, as other Persons of interest elected and qualified thereunto ought to have: And be it farther Ordained and Enacted, by the Authority aforesaid, that no Peer of this Land not being elected, qualified, & sitting in Parliament, as aforesaid shall claime, have, or make use of any Priviledg of Parliament; either in relation to his person, quality or estate, any Lawes, Usage or Custome to the contrary notwithstanding.

And to lessen the amazement of the People, the same day they passed and Ordered to be printed a Booke, called, [*A Declaration of the Parliament of England; expressing the grounds of their late proceedings, and of setting the present Government in the way of a Free-state:*] when they formerly passed the 4th Votes for no more Addresses to our late King, they seconded it with a Declaration to shew the Reasons of those Votes wherein they set forth no new matter but what they had formerly in parcels objected against Him; and yet they have since that time made Addresses to Him, and both taken and caused others to take the Oaths of Allegiance and Supremacy, and the Protestation & Covenant to defend His Person and Authority, &c. And in this Declaration there is no new objection of moment, but what is contained in the former

Declaration

^{132.}
An Act for Abolishing the House of Peers.

More New lights, new discoveries made by forty or fifty gross fiery meteors, remaining in the House of Commons.

^{133.}
A Declaration of the Commons, to shew the Reasons of their said proceedings.

The state is Free, but the People Slaves; as a Galley is free, but the Rowers slaves. 1. par. § 7, 2, 73

See these books
[A full answer
to an infamous
Pamphlet intitu-
led, A Decl. of
the Commons
of England.]
[The Charge a-
gainst the King
discharged.]
The Royalist and
Royalists Plea
[King Charles
vindicated &c.
And His Ma].
last Book, or
Portraiture.
And His Maj;
gracious messa-
ges for Peace.
See Greg. Tho-
losabus. l. pol. i
Keckeriv: Siste-
ma pol. l. i. Cont-
renii. l. politic.
1. 2. cap. 17. ad c
25. and many
good Authors
quoted by him.
Mæcenatis ora-
tionem ad Au-
gustum, apud
Dionem cassi-
um.

Declaration against Him; and as I looked upon the first Decla-
ration as *Prologue*, so I looked upon this last as the *Epilogue to
His Majesties Tragedy*. The whole matter of charge in both of
them hath been sufficiently answered in severall Books, and eicher
confuted or justified, to which I referre the Reader; whom I will only
trouble with some few short observations of my own upon it: (p. 5.)
The parliament (in Imitation of the Masters, the Councell of Of-
ficers) pretend a necessity to change the fundamentall Government
into a Free-State, to prevent Tyranny, injustice, and War, &c.
(I doubt rather to promote them.) It affirmeth, (pag. 15. 16.)
That Offices of Inheritance are forfeited by breach of trust; (a con-
dition annexed to every Office) and seems to imply as much of the
Kingly Office: but this Pen-man had forgot, that by the Law the
Crown takes away all defects, and the King being Supreme Head
and Governour over all Persons, and in all Causes, it were ab-
surd to make him accountable to any Authority; for in such case,
that Authority would be Supreme to him, and so erect two Supreams
one jarring and interfering with the other, which in Law and Policy
is as absurd as to suppose two Almightyes or Infinites in Divinity,
which cannot be, for that one Infinity would terminate another:
*Impossibile esse plura Infinite quoniam alterum esset in altero fini-
tum*, saith *Cusanus*. (pag. 16.) the Declarers play the Orators in
behalf of the felicity of Government by *Free-States*, rather then
by *Kings and Princes*. This is a spacious field to walke in, I will
only cite some learned Authors living in Republicques of a contrary
opinion, and send my Readers to them for their Arguments. It
applauds the *Prosperity* and good Government of the *Switz*: which
(I thinke was never commended before) a grosse-witted People,
living in a confuted way of Government, where virtue and industry
find no reward, the Rich become a daily pray to the Poore, and
their popular Tribunes, who uphold their credits by calumniating
the wealthy, and confiscating (or sequestring) their Estates, the
best wealth of this Nation is Penions for Neighbour Princes, to
whom they let their Blood to Hire, and become Mercenaries many
times to the extreame dammage and (if their Country were worth
subduing) danger of the State. For *Venice* it is an *Aristocracy* (if
not *Oligarchy*) of many petty Kings, so burthensome to all their
Subjects upon *Terra firma*, that they dare not trust them without

Citadals

Graduals to keep them under; they never confide in any of their number or Natives to be commander in Chief of their Land Forces fearing to be tyrannized over by a *Cromwell* or an *Irtan*, or by some property subordinate to them in all but Title. The *Morluchy*, and many inhabitants of *Dalmatia* and *Candia*, have lately preferred the *Turkish Government* before theirs. As for the *Low Countries*, (their needlesse example) peruse *Barnavelt's Apology*, and many good Histories. For *Rome*, from their *Regifugium*, they were never free from civill Warres, concessions Tumults, and changes of Government; first to *Patritian Consuls*, *Regia potestate*; then to promiscuous Consuls (*Plebeians* as well as *patritians*) with populer *Tribunes* to controule them; then to *Decemviri legibus Scribendis*; then to *Tribuni militares consulari potestate*, Dictators upon all speciall occasions, sometimes an *Aristocracy*, sometimes a *Democracy*, between two Factions *Patritian* and *Plebeian*. And never could that unhappy Idoll of the multitude [*Liberity*] find any time of seled rest and Government untill their giddy Republique was overthrown by *Julius Caesar*, and turned into a *Monarchy* by *Augustus*, which approved *Craippus* saying, *Vittisum Reipub: statum exigere Monarchiam*; and then (and not till then) *Rome* came to his height of Glory and Dominion, and continued so a long time, sometimes empayred by the vices of some Emperors, and sometimes repaired by the virtues of others: he that reads *Livy* and *Tully's O-rations*, with many other Authors; shall find how infinite corrupt the People were, both in making and executing Lawes, indispenfing justice both *Distributive* and *Commulative*; what complaints, that their *comitia* were *venalia*; what Bulworks they were faine to erect against the ambition and covetousnesse of their great men; *Leges Ambitus*, *leges Reperundarum, peculatus*; all to no purpose; the great abuse of *Solicitors* and *Vndetrakers* to every Tribe to contracte, for suffrages: the Domestick use of their *Nomenclators*, their *Prehensions*, *Invitations*, *Clientships*; their killings and shaking hands (even from the greatest Parsonages) prostituted to every *Cobler* and *Tinker*; their Costly publike Shewes and spectacles to woe the Rabble; he that reads observingly shall find that *ambition* and *covetousnesse* (nurses of all corruption) were the best part of the *Wisdome* and industry of the *Re-*

See some Authorities cited verbatim in the first page.

publicke until it came to be a *Monarchy*, and shall further find, that those corrupt manners and customs which the People (from the highest to the lowest) had contracted during the several licentious Alterations of their Common-wealth, from one forme of *Republicke* to another, were (like a second nature) not to be corrected by the better discipline of a *Monarchy*, and (at last) occasioned the ruine of that *Monarchy*, together with the desolation of that Nation, which shewes, that *Monarchy* (with which their Nation began) was their naturall and genuine Government, when it could not be taken away *sine interitu subiecti*, without the ruine of the whole subject matter. (p. 21.) It is said, *It hath been lately computed, that the Court purveyances (notwithstanding many good Lawes to the contrary) cost the Country more in one year, than the Assessments to the Army, what? above 100000*l.* a month, when the charge of the King's House-keeping came but to 50000*l.* a year: (I speak not of Wages and Pensions) I know not who should make this computation, unless old Sir Henry Mann, and his Man Cornelius Holland (the latter of which was turned out of his Office in the Green-cloth for abusing his Place) nor in whose time of employment (unless their owne) such prodigious abuses should happen. (p. 19.) It is said, *The legall and justifiable Revenue of the Crown shall be of 100000*l.* per annum*: I perceive this is all the Account the Common-wealth is, likely to have from the Committee of the Kings, Queens, and Princes Revenue; nor doe I know what a pruning hooke that phrase (*legall Revenue*) may prove: But I conceived all that *Quædædam*, the Kings Father and Himself received, had been His revenue *de jure*; I am sure it was *de facto*, and the Parliament in their Declarations promised *to settle a better Revenue upon Him than any of His Ancestors enjoyed*: neither did this, nor any former Parliament complain, *that His Purse was grown too full*: or His Revenue too fullow: and if the Committee of the Revenues had enjoyed no more but their owne legall and justifiable Revenue: so many of the King's Servants and Creditors had not starved for want of their owne. (p. 19.) They very much aggravated *Monopolies, Patents, and Profits*: I wonder they suffer so many Men guilty in that kind to sit in their House, old Sir Henry Mann, Sir Henry Mylmay, Sir John Miffey, Cornelius Holland, Lau-*

The Kings Revenue by a medium of 7 year was yearly 700000*l.*

negative Voice, &c. (p. 20.) They speak against the Lords Negative Voice, but not a word against the Council of VVarres Negative Voice, who march up in hostile manner against Parliament and City, and secure, seclude, and drive away 150 Members at one time, if they vote any thing contrary to their Interest. They speak likewise against the Lords Judicial power over Commons, but have forgot what unjust and illegall use themselves attempted to make of the Lords jurisdiction against the 11 impeached Members, the 4 Aldermen, and Citizens. (p. 21.) They excuse their receding from their Declaration of April, 1646. (they might have minded you of a Vote of a later Date, had it made for their turne) for *Governing the Kingdom by King, Lords and Commons.* To this it is said, the King nor Lords could take no advantage thereof being a contract they never consented unto; indeed it was never presented to them; but I shall aske whether the people may not take advantage thereof for whose satisfaction this was Declared, (a generall grudge being then amongst them) that the Parliament and Army would subvert the ancient Fundamentall Government, (p. 22, 23.) They answer an Objection, that these great matters ought to be determined in a full House, not when many Members are excluded by force, and the Priviledge a subbly broken and those who are permitted to sit, do sit under a force. To this is answered (how truly let any man that hath read our Histories tell) That few Parliaments have Acted but some force or other hath been upon them, (I wonder they did not argue thus for the silly Tumble of Apprentices) for Breach of Priviledge of Parliament. They answer, *It will not be charged upon the remaining party, as to have been within their power so prevent it, or repair it,* (to this I reply, that it is doubted the remaining party (being the Army party) contrived it in their Junta at Somersets-house: for (p. 23.) it is acknowledged, they called and appointed the Army for their Guard, which was not openly done by a full House, it must be therefore secretly done by a party. See many Reasons for this conjecture before. 24. Farther they say, *That the safety of the Kingdom ought to be preferred before Priviledge of Parliament; and as if their House had declined their duty (viz. by not sitting) they had resigned up all to ruine and confusion: from whence should this ruine and confusion come, but from their own Army, which*

2. Part of Eng. lands New Chains discovered, &c. and the Hunting of the Foxes return to f. 117.

1. Part, sect. 45
46, 47, 48. 49.
50, 51, 52,
53, 54.

2. Part of Eng-
lands New
Chains; and
the Hunting
the Foxes, &c.

they perpetuate to eat up the Kingdome; and continue their owne power and profits; and I wonder they did not use the same moderation after the childish Tumult of Apprentices, but *Declared all Acts &c. passed from 26 July (which day the Tumult began and ended) to the 6 August, null and void.* And endeavoured to make the very sitting of the Members and the Citizens obeying to the said Orders (though no judges of the force) *Treasonable*: they deny they sit now under a force, the Army being their best friends, called by them for their safety. Indeeed it is generally thought the Army and this remnant of the House of Commons, are as good Friends and Brethren as *Siméon and Levi, Pilate and Herod* were; and were called to secure the Members & purge the House: yet if the remaining party should Vote contrary to the dictates of the Councell of War, *Queere*, Whether they will not be used as uncivilly as the secured Members? nay worse, by being called to account for cousing the State. (p. 24.) They say, *There is a cleare consistency of our Lawes with the present Government of a Republique.* I desire to know who by our Law can call or hold a Parliament but the KING? who is, *Principium, Caput, & Finis Parlamenti*? who is the fountaine of Justice, Honour, Peace, when we have no King? who is Conservator of the Lawes, and protector of the People? where is the Supreme Authority? to Vote it (in their owne Case) to be in a Representative of 50. or 60. Commons, without legall proofes or Precedents to lead mens reasons Captive, as well as their Persons and Estates, (to impose an implicate faith upon Man, not to use discourse and reasons against their Votes, is to take man out of Man; to deny him his definition, *Animal rationale*) to whom doth the Subject owe Allegiance? and where is the Majesty of England when there is no King? for all Treason is, *Crimen lesa majestatis, contra debitam ligeanciam.* Therefore where (by the known Lawes) no Allegiance is, there is no Treason. Lastly, if our present Lawes be so consistent with the Republique, I desire to know why they did not trie the 4 Lords Legally at the Common Law by their Peeres, and Sir John Owen by a Jury of 12 Men of the Neighbourhood, according to *Magna Charta*, and other good Lawes; but were faine to put a legislative trick upon them, and erect such a Court for the Triall of them as was never heard of in

England

England before nor hath no place in our Government. They conclude (p. 26.) *That as they have not intermeddled with the affairs and Government of other States, so (they hope) none will intermeddle with them.* This assertion is as true as the rest, it being well known, that for about three years last past, they have boasted, that they have many agents in France, who under colour of Merchandise, vent Antimonarchicall and Anarchicall Treatises; and sow seeds of populer Liberty amongst the Poore Peasants and Hugonots of France, which they brag prospered well there; their very declared principles and doctrine of their Pulpits and Army are, *That they must breake the powers of the Earth in pieces.* Monarchy must downe all the World over, first in England; then this Army must put over and manumit the Peasants of France, the Boors of Germany, &c. and divers of this Party have reported, *That they have supplied the revolvers of France with money;* their Licenced Newes-Books are full of this doctrine, and of many investives against the Tyranny of the French King.

Such were their proceedings against the King, or rather against Kingly Government; which was cut off by the same Axe that murdered the King, and was (indeed) first in their intention, though last in execution; as appeareth by Harry Martin's Speech in the House upon the debate, *Whether a King, or no King? That if they must have a King, he had rather have had the last then any Gentleman in England? He found no fault in his Person, but in his Office.*

The KING had offended the Papists in the last Treaty, by granting so much to the Parliament for their suppression: The Independents perceiving it, and willing to joyne with any interest to make good their Deligne. It was proposed at the Councell of Officers, *That the Papists should raise and pay about 10000. Additional Forces for this Army, in recompence whereof, all penal Lawes concerning them should be repealed, all Taxes and Contributions taken off, and they to have the protection of this Parliament & Army.* Under the same notion they endeavoured to joyne Interests with Owen Roe O'neale, that commanded the bloody party of massacring Irish (with which they had formerly taxed the King) they supplied him with Ammunition, and admitted O'Reilly, the Pope's Irish Nunio to a Treaty here in England, Sir John

134
Harry Martin's
Judgment of
the King and
Kingly Go-
vernment.

135
The Councell
of Officers en-
deavour to
joyne Interests
with the papists
in England &
Ireland.

Owen Roe O'-
neale.

The Popes
Nunio.

Winter was taken into employment, and the *Arsears* of his Reims gathered for him by *Souldiers*, to the regret of the Country. *Sir Kenelm Digby* had a *Pulse* to come into *England*, and came, as was foretold by a Letter from an Independent Agent for the Army, from *Paris* to an Independent Member of the House of Commons, a Creature of the Army, bearing Date, 28, Nov. 1648 and printed at the latter end of *The true and full Relation of the Officers & Armies forcible seizing of divers eminent Members &c. Walter Montague* let forth upon *Bayle*; what becomes of this Negotiation? and whether those that have played fast and loose with all Interests in the Kingdom, have not done the like with the *Papists*? I cannot yet learn.

136
Scarcity of
Coals how oc-
casioned, and
why.

This Winter, *Coales* (as well as other things,) had been at excessive rates in the City, whereby many poor perished with cold and hunger; what the reason thereof was (besides unreasonable Taxes, Excise, and Souldiers quartering in and neer the City) was diversly disputed: most Men imputed the blame to *Sir Arthur Haslerigge* Governour of *New-Castle*, who (without any publique Authority) presumed to lay on a Tax of 4s. a Chaldron upon the Coales there; which is estimated to amount to 50000l. a year; what use that money was put to was as variously whispered; as likewise what design they had in bringing so pinching a want upon the City. Some said, it was to enforce the poorer sort into Tumults, and then to charge the wealthier sort with the crime and ensnare them; others said it was to cast an odium upon the Prince, as if His Ships had kept in the *Colliers*.

137.
The Lo. Mayor
ordered to pro-
claim in person
the Act for abolishing
the Kingly Office,
and punished
for neglect.

The 23. March 1648, The Commons ordered, That the Lord Mayor of London in Person be required to publish and proclaim in the City the foresaid Act for dissolving Kingly Governments: and to give an account thereof to the House. The Mayor refusing this service, was by the Commons called to the Barre, fined 2000l. committed Prisoner to the Tower, and ousted of his Mayoralty, and Alderman *Andrewes* (a Man after their own heart) chosen by a few *Schismatics* in his Place.

138.
The Kings
Queens and
Princes personall
Estate ordered to be
sold.

Ordered by the Commons (upon a Report from the Councell of State) that Commissioners be appointed to make Sale of the Kings, Queens, and Princes Personall Estate, upon Inventory and Appraisal, for satisfaction of all just Debts due to well affected Persons (viz.

(viz. Men of their Faction) in this Nation, before the beginning of these Wars: But first 30000*l.* to be taken out of it for the use of this Summers Fleet, and that is to be referred back to the 40. Hogen Mogens, or Council of State to consider what they think fit to be sold, & what they think fit to keep and reserve for the use and furniture of them and their attendants. Observe, that by this time this gulph is stopped, the whole remainder to be sold for payment of Debts aforesaid, may be written with a Cypher.

I hear the House hath given away the Kings House, Parks and Honour of *Eltham* to Sergeant *Bradshaw*, their quondam President. *Greenwich* to *Bolstrode Whistock*. The Lyons Skins is now dividing amongst the Party. Thus have they killed and taken possession, and the Kings Revenue hath proved as ominous to him as *Naboths Vineyard* was to his Master.

This day another Report was made to the House from the Committee of the Army of the particular sum to be Monthly levied in each County, to make up the whole sum of 90000*l.* Monthly for the Armies of *England* and *Ireland*, besides 20000*l.* per mens. out of Fee-farm Rents.

28. *March* 1649. The Commons in pursuit of the advice given them by *Monseur Paw*, and according to the example cited by him of the *Low Countreyes*, Ordered, That no Minister in his pulpit should meddle with any State affairs, had this been observed from the beginning these Pulpit Incendiaris had never kindled a War between the King and Parliament.

About the beginning of *Leuchlast*, Master *Faucett* Minister of *Walton* upon the *Thames* in *Surrey*, preached in his Parish Church after dinner, when he came downe out of his Pulpit it was very light; and into the Church came six Soldiers; one of them with a Lanthorn in his hand and a Candle burning in it, in the other hand he had four Candles not lighted. He with the Lanthorne called to the Parishioners to stay a little, for he had a message to them from God; and offered to go up into the Pulpit, but the Parishioners would not let him; then he would have delivered his errand in the Church, but there they would not hear him; so he went forth into the Church yard, the people following him, where he related to them, That he had a Vision, & received a command from God to deliver his will unto them which he was to deliver

and

139.

Crown Lands
shar'd amongst
the Godly.

140.

Another Report
for an establishment
for the army.
Diurnal Mar.
30. 31. 1649.

141.

An Order, that
no Preacher
meddle with
State affairs.

142.

The 5. Lights
of *Walton*.

and they to receive upon paine of damnation. It consisted of 5. Lights.

1. That the Sabbath was abolished as unnecessary, Jewish, and meretriciously ceremoniall: and here (quoth he) I should put out my first Light, but the wind is so high I cannot light it.

2. Tythes are abolished as Jewish and ceremoniall, a great burden to the Saints of God, and a discouragement of industry and tillage: And here I should put out my second light, &c. as aforesaid, which was the burthen of his song.

3. Ministers are abolished as Antichristian, and of no longer use now Christ himselfe descends into the hearts of his Saints, and his Spirit enlighteneth him with Revelations, and Inspirations: And here I should have put out my third Light, &c.

4. Magistrats are abolished as uselesse, now that Christ himselfe is in purity of spirit come amongst us, and hath erected the Kingdom of the Saints upon Earth; besides, they are Tyrants and Oppressors of the Liberty of the Saints, and tie them to Lawes and Ordinances, meer humane inventions: And here I should have put, &c.

5. Then putting his hand into his pocket, and pulling out a little Bible, he shewed it open to the People, saying, Here is a book you have in great veneration, consisting of two parts, the Old and New Testament; I must tell you, it is abolished: It containeth beggarly rudiments, milke for Babes; but now Christ is in Glory amongst us, and imparts a fuller measure of his Spirit to his Saints then this can afford; and therefore I am commanded to burne it, before your faces: so taking the Candle out of his lanchorn, he set fire of the leaves. And then putting out the Candle, cryed, And here my fifth Light is extinguished.

143
The Earle of
Warwick's
Commission
recalled; and 3
Admiralls ap-
pointed.

Vpon a report from the Councell of State, the Commons Voted void the Earle of Warwick's Commission for Admirall, and appointed three Commissioners to have and execute the Admiralls place, with 3 li: a day a piece; a Commission for Marshall Law, and Land Souldiers aboard to keepe under the Seamen. The three Admirals are, Col. Edw. Popham, Col. Rob: Blake, and Col. Deane.

144
Cromwell turn-
ed Preacher.

Sunday after Easter day, six Preachers militant at White-hall tried the patience of their hearers; one calling up another successively: at last the Spirit of the Lord called up Oliver Cromwell, who standing a good while with lifted up eyes, as it were in

a trance; and his neck a little inclining to one side, as if he had expected *Mahomet's* Dove to descend and murmur in his care; and sending forth abundantly the groanies of the Spirit, spent an hower in prayer, and an hower and an halfe in a Sermon. In his prayer he desired God to take off from him the Government of this mighty People of England, as being too heavy for his shoulders to beare: An audacious, ambitious, and hypocriticall imitation of *Moses*. it is now reported of him, that he pretendeth to inspirations; and that when any great or weighty matter is propounded, he usually retireth for a quarter or halfe an hower, and then returneth and delivereth out the Oracles of the Spirit: surely the Spirit of *John of Leyden* will be doubled upon this Man.

About this time the *Palsgrave* tooke his leave of the Parliament, being much courted and complemented by them, and his 8000 l. per annum, with all Arrears confirmed to him: since his departure *Harry Martyn* (in a jolly humour) was heard to say, *If the worst hapned, and that they should not be able to stand their ground in England, yet the Palsgrave would afford them a place of retreat in the Palatinate; the seeds of these Anarchicall Anabaptistick humours (upon the reducing of Munster) spread themselves in England, and now have a mind to returne into Germany to kindle a fire there.*

About this time *John Lilburne*, and his Company, set forth a Booke, called, [*The Picture of the Councell of State, &c.*] wherein they set forth the illegall and violent proceedings of the said Councell against them in seizing upon them with armed Bands of Souldiers, and interrogating them against themselves, &c. (where they have these words). *The Faction of a Trayterous Party of Officers of the Army hath twice rebelled against the Parliament, and broake them in pieces, and by force of Armes culled out whom they pleased, and imprisoned divers of them, and laid nothing to their charge; and have left only in a manner a few men (besides 11 of themselves, viz. the Generall, Cromwell, Ireton, Harrison, Fleetwood, Rich, Ingolsby, Haslerigge, Constable, Fewwick, Walton, and Allen Treasurer) of their own Faction behind them, that will (like Spaniell dogs) serve their lusts and wills; yea, some of the chieftest of them, viz. Ireton, Harrison, &c. yea, Mr. Holland himselfe stiled them a mock-Parliament.*

145
The last retreat
of the faction
by H. Martyn
report.

146
Jo. Lilburne's
third book cal-
led, [*The Pic-
ture of the
Councell of
State.*]

liament, a Mock power, at Windsor; yea, it is yet their expressions at London: And if this be true that they are a Mock-power, and a Mock-Parliament, then, Quere, Whether in Law or Justice (especially considering they have fallen from all their many gracious promises, and have not done any one action that tends to the universall good of the people) can those Gentlemen sitting at Westminster in the House (called, the house of Commons) be any other than a factious company of Men, traiterously combined together with Cromwell, Ireton, and Harrison, to subdue the Lawes, Liberties, and Freedmes of England, (for no one of them protests against the rest) and to set up an absolute and perfect tyranny of the Sword, will, and pleasure, and absolutely intend the destroying the Trade of the Nation and the absolute impoverishing the people thereof, to fit them to be their Vassals and Slaves.

And againe, the three forementioned Men, viz. *Cromwell, Ireton, and Harrison*, (the Generall being but their stalking horse, and a cypher) and their trayterous faction, having by their wits and Swords got all the Swords of England under their command, and the disposing of all the great places in England by Sea and Land, and also the pretended Law-making power, and the pretended Law-executing power, by making among themselves (contrary to the Lawes and Liberties of England) all Judges, Justices of Peace, Sheriffs, Bayliffes, Committee-men, &c. to execute their wills and tyranny, walking by no limits or bounds, but their owne wills and pleasures, and trayterously assume unto themselves a power to leavy upon the people what money they please, and dispose of it as they please, yea even to buy knives to cut the peoples throats that pay the money to them, and to give no account for it till Doomes-day in the afternoon; they having already in their wills and power to dispose of the Kings, Queens, Princes, Dukes, and the rest of the Childrens Revenue; Deanes and Chapters Lands, Bishops Lands, Sequestred Delinquents Lands, Sequestred Papists Lands, Compositions of all sorts, amounting to millions of money, besides Exise and Customes; yet this is not enough, although (if rightly husbanded it) would constantly pay above one hundred thousand men, and furnish an answerable Navy thereunto: But the people must now suffer their Trades are lost, and their Estates spent, to procure their Lib-

ber.

erties and Freedoms, be cessed about 100000 l. a Month; that so they may be able like so many Cheaters and State-thieves, to give six, eight, ten, twelve, fourteen, sixteen thousands pounds a piece over againe to one another, (as they have done already to divers of themselves) to buy the Common-wealths Lands one of another, (contrary to the duty of Traitees, who by Law nor equity, can neither give nor sell to one another) at two or three yeares purchase, (the true and valuable rate considered) as they have already done, and to give 4. or 5000 l. per annum, over againe to King Cromwell, as they have done already out of the Earle of Worcesters Estate, &c. besides about 4. or 5 l. a day he hath by his Places of Lieut. Generall, and Colonel of Horse in the Army; although he were at the beginning of this Parliament but a poor man; yea, little better than a Beggar (to what he is now) as well as other of his Neighbours.

Master Byon a Member of the House lately a Tapiter, hath 6000 l. given him.

Sir Arth. Haste vig 3 great manours, Bishops, Auckland, Eve-wood, and another. Col. Backster (the pitiful Thimble and Bodkin Goldsmith) bought as much Bi-

shops Lands as cost 10000 l. at two or three yeares purchase, and hath already raised his money.

2. April, 1649. A Petition subscribed by divers Persons in behalf of John Lylburne and his company, was presented to the Commons, wherein (amongst other things) are contained these three just demands:

147. A Petition in behalle of Jo. Lylburn and his company.

1. That no man be censured, condemned, or molested, but for the breach of some Law first made and published to the People, whereby is avoided that uncertainty and botterly hazard that otherwise every man is subject to, both in respect of his Estate, Liberty, and Life.

2. That every crime have not only its penalty annexed, but together therewith the manner and method of proceedings ascertained.

3. That the execution of Laws be referred to ordinary Magistrates and Officers by Law deputed thereto, and that the Military power be not used, but where the Civil is so resisted, as that of its own strength it is deficient to enforce obedience.

April 12. 1649. It was referred to a Committee to consider of a way how to raise Pensions and Allowances out of Deans and Chaplers Lands: to maintaine supernumerary Itinerant Ministers, who should be Authorized to go up and downe compassing the earth, and adulterate other mens Pulpits and Congregacions, and put affronts and raise factions and scandals upon such orthodox and people with Schisms & Anarchicall principles, futable to the many headed tyranny of the grandees.

148. Itinerant Ministers, an invention to undermine our Orthodox settled Ministers, and infect the

Conscientious Ministers (in order to their Sequestration) as cannot frame their Doctrine to the damnable practices and Anarchicall principles of the times. These wandring Apostles are to preach Antimonarchicall seditious doctrine to the People, (suitable to that they call the present *Government*) to raise the rascall multitude and schismaticall rabble against all men of best quality in the Kingdom, to draw them into Associations and Combinations with one another in every County, and with the Army against all Lords, Gentry, Ministers, Lawyers, rich and peaceable men, and all that are Lovers of the old Lawes and Government, for the better rooting of them out, that themselves alone may inhabit the earth, and establish their new Tyranny or Kingdome of the Saints, upon the ruines of our ancient Monarchy. These men (like *Balaam*) *shall blesse and curse for hire*, and vent State-news, State-doctrine, and poyson the People with such changeable and various principles as from time to time shall be dictated to them by those Pseudo-politicians as now sit at the Helme: they shall couzen the People with pretended Illuminations, Revelations, and Inspirations, and power out all the Vials of Gods wrath amongst them.

149

A fraudulent Reconciliation and uniting of Interests attempted, with a Mock-fast for that purpose. See a Paper called, *Arguments against Accommodation between the City of London, & the engaged Grandees of the Parl: & Army.* And, *A seasonable caution to the City of London;* printed at the latter end of *Relations and Observations, Hist. & Pol. &c*

Cromwell and *Ireton*, and their Faction, having formerly deluded all the interest and parties of this Kingdome, were arrived to that height of impudence as to endeavour to cheat them all over againe, they had by murtherring the King, abolishing the House of Lords, putting an execrable force upon the farre major part of the house of commons, making themselves and their Party a Tyrannicall Councell of State, to usurpe the Supreme power and Government, endeavouring a *Tolleration of all Religions*, attempting to take away Tythes, mocking, and then tyrannizing over that part of the Army they please to miscall *Levelers*, distracted and discontented all parties within the Kingdom, and stirred up all the Princes of Christendome to defend the common interest of Kings, now controverted in *England*. This cloud threatned to poure downe a new Warre upon them; to provide a remedy therefore for this sore, *Cromwell* moved in the House of Commons, *That the presbyterian Government might be settled*, promising his endeavours thereto; but whether he meant a Classicall or Congregationall Presbytery (which differs little

or

or nothing from Independency) he did not declare: and here lyeth the fallacy, he likewise moved, *That the secured and secluded Members might againe be invited into the House:* they sent their Agents both Lay-men and Ministers (amongst whom Master Marshall, Nye, Carrell, Goodwin and Hugh Peters were chief) to cajole and decoy the Ministers, Citizens, and the expelled Members, with discourses and Propositions, they told them, the Presbyterians had differed from the King in Point of civill Interest, which was more irreconcilable then that interest of Church Government, whatsoever shew was made to the contrary. (They will not endure to here of the KINGS exemplary patience and Christian charity to all; nor of his Precepts and strict injunctions to his Sonne of clemency and Obstinency from revenge, contained in his last booke, [*The Pourtrature of His Majesty.*] these things will both appologize for our young King, and condemne our Bloody vindicative Saints.) That the Presbyterians as well as the Independents made War against the late King, brought him low, and prepared him to receive his late deadly Blow from the Independents, and therefore the King would looke upon both parties as equally guilty, and was depely engaged in point of Interest to cut off both parties: Endeavouring by these discourses to put the Presbyterians into *despaire* (their owne and Judas's sinne) and then to worke upon that base and cowardly principle of *Selfe Preservation*, and invite them to joyne with them in point of civill Interest and common Defence. But their kindnesse was but like that of a Malitious man, who having plague-soares upon him, embraceth his friend rather to infect then cherish him: they know that by sitting, voting, acting, and complying with them, (whose Actions the Law of God and the Land have damned and anathematized with the Highest condemnation) they should contract the guilt of all their forepassed crimes and treasons; in the meane time the Presbyterians should sit and Act but as a suspected party, and should be baffled and turned out againe when the danger is past; the Independents keeping in their owne hands all the power, profits and preferments of the Land, and using the Presbyterian party but as Gibeonites, Hewers of wood, and Drawers of Water under them; they invited them therefore to share with them in their sinnes, shames, and punish-

ments, but would keep *Abraham's* Wedge and the *Babylonish* garment (the profit of their crimes) to themselves: And (as if it were not sufficient to censure Man without mocking God) the House of Commons Ordered a strict Fast to be kept upon *Thursday* 19. April 1649, as a day of Humiliation to implore Gods forgiveness for the ingratitude of the People, who did not sufficiently acknowledge with thankfulness Gods great Mercies upon this Land in freeing them from Monarchy, and bestowing liberty upon them, by changing *Kingly* Government into a *Free State* or *Republicque*. The Faction knew that to partake with them in these prayers, was to partake of their sinnes. God deliver us from those deceitfull lips, whose prayers are snarers, whose kisses prove curses, and whose devotion leads to damnation: *Never was Fast enjoyed with more severity, nor neglected with more contempt and horror; men branding it like the sinnes of Rebellion and Witch-craft. Besides, their consciences told them, that they never suffered the thousandth part of the oppressions they now groan under.

150.
The juggling
designe of sen-
ding par-
ties to
the Army for
Ireland.

About this time it was debated to send Supplies for *Ireland*; the predominant *Grandees* were desirous to put the Army (as they had done the House) and send the *Levellers* (Assertors of Liberty) thither: the *Levellers* were desirous to keep their ground here, and send the more mercenary enslaving and enslaved part of the Army: the better to colour the designe, *Cromwell* undertook to be Conductor of this expedition; and light them the way into *Ireland* with his illuminated Note: having taken order before hand that his precious self should be recalled time enough to keep up his party in *England* from sinking by his longer absence; and the better to accommodate the business, Lots were severall times cast what Regiments should go; but the Lots not falling out to the minds of the *Generall* Councell of Officers; they cast Lots again and again, untill fortune agreed with their desires: This being discovered, a printed Paper was scattered about the streets, 26. April 1649. as followeth,

ALL worthy Officers and Soldiers who are yet mindfull that you engaged not as a meer mercenary Army, hired to serve the Arbitrary ends of a Councell of State; but took up Arms in Judgment and Conscience in behalf of your own, and the peoples just Rights and Liberties;

Liberties; you may see plainly by the proceedings of Colonel Hewson with his Regiment that the designe of your grand Officers is, to reduce the Army into a meer mercenary and servile temper, that shall obey all their commands, without so much as asking a question for Conscience sake. Intending by this blind obedience in you to make you be whatsoever they shall find requisite to establish their own absolute power over the Commonwealth, yea though it be to cut off your best friends, or perpetuate this their own Parliament and Council of State, things so evidently destructive to your own and the Peoples just Rights and Liberties as nothing can be more.

And for compassing whercof, you know they have long since dissolved the Agitators, and erected a Councell amongst themselves, by which they have moulded the Parliament and a Council of State to their own wills; both which, are to be as a screen between the People and your Grandees to make the world believe, they doe nothing but by order of Parliament, and Council of State, when they order all things themselves; and indeed are confederated together to defraud and protect each other in their defrauding and enslaving the Commonwealth.

This they have long aymed at, but cannot possibly effect it, until they reduce the Army to a servile and base temper, which they have been laboring to bring to passe a long time; as by picking quarrels with most Officers and Souldiers, that have manifested any sence of Common Right, and so vexing them and wearying them out of Troops and Companies: And (you know) they have been more than once disbanning twenty of a Troop, upon pretence of asking the publique charge; all their mischief being ever done, after either fasting and prayer, or upon some very specious pretence; but the care and resolution of the honest Officers and Souldiers over prevented this.

But now the businesse for Ireland (it seems) must do the deed; that being a service that must be preferred before the settling of the Liberties and Freedoms of this Nation: and all that are not for this service must be esteemed no better then Enemies and Traytors: and therefore an Ahab-like Fast goes before the Lots are cast: and Col. Hewson falls to work and disbands all those Souldiers and Officers that refused to engage for the service of Ireland, before the Liberties of England (which we never trod under foot) be restored to the people.

The

The end of this being to be a leading case to all other Regiments both Horse and Foot; not that they certainly intend for Ireland, but by such means to be rid of all such as are apt to desire to be satisfied in their Consciences of the justice of the Cause before they engage in the killing and slaying of men any more; or before they see some fruits answerable to the blood that hath been spilt.

And being rid of this kind of Officers and Souldiers, then to fill the Regiments as this Hewson doth, with such ignorant, needy, or servile men as these miserable times (through losse of trade) have begotten.

And this being done, then to make more strift inquiry after this sort of People in the Army, and all other places, suppress meetings, and if that will not doe, then to disarme all from whom they suspect the least repining or opposition.

And therefore all those Officers and Souldiers, and all people in all places are concerned in a very high nature, even as much as the freedom of the Nation is worth; yea, as they tender the good of their Wives, Children, Families and Posterities, to venture their lives & all they have, to make opposition against this the greatest mischief that ever was attempted; the greatest Treason that ever was committed against the liberties of the People: and not to stand any longer in a mix-maze betwene hope and feare; for if this design take place, your great Officers and their Confederates in Parliament and Council of State, will be as so many Kings, Princes and Lords, and your selves, and all the People, their slaves and vassals.

Therefore keepe every man his place and Post, and stir not, but immediately chase you a Councell of agitators once more to judge of these things; without which you shall never see a new Parliament, or ever be quit of these intolerable burdens, oppressions, and cruelties; by which the People are like to be beggered and destroyed.

151
M. Lockier con-
demned by a
Councell of
War, with his
honourable
death and bur-
iall; & Lylburns
Letter to the
Generall.

About this time Mr Robert Lockier and five or six other Tronpers of Capt. Savages Troup were condemned for a supposed mutiny; in behalfe of whom Lieut. C. John Lilburne writ this Letter following to the Generall, dated 27. April, 1649.

May it please your Excellency,
WE have not yet forgot your Solemne Engagement of
June 5. 1647. Whereby the Armies continuance as an
Army

Army was in no wise by the will of the State, but by their own mutual agreement: and if their standing were removed from one Foundation to another, (as is undeniable) then with the same they removed from one authority to another; and the Ligaments and bonds of the first were all dissolved, and gave place to the second; and under, and from the head of their first Station, viz. By the Will of the State, the Army derived their Government by Marshall Law; which in judgment and reason could be no longer binding then the Authority (which gave being thereto) was binding to the Army: For the denial of the Authority, is an Abrogation and Nulment of Acts, Orders, or Ordinances by that Authority as to them: And upon this account, your Excellency with the Army, long proceeded upon the Constitution of a new Councell and Government, contrary to all Martial Law and Discipline, by whom only the Army Engaged to be ordered in their prosecution of the ends, to wit, their severall Rights, both as Souldiers and Commoners, for which they associated: Declaring, Agreeing, and Promising each other, not to Disband, Divide, or suffer themselves to be Disbanded or Divided, without satisfaction and security in relation to their Grievances and Desires in behalfe of themselves and the Commonwealth as should be agreed unto by their Councell of Agitators: and by vertue, and under Colour of this Establishment, all the Extraordinary Actions by your Excellency, your Officers, and the Army have past: Your refusall to Disband, disputing the Orders of Parliament; Impeachment and Ejection of Eleven Members; your First and Second March up to London; your late violent Exclusion of the Major part of Members out of the House, and their Imprisonment without Cause, &c. which can no way be justified from the Guilt of the highest Treason, but in the accomplishment of a righteous end, viz. The enjoyment of the benefit of our Lawes and Liberties which we hoped long ere this to have enjoyed from your hands; Yet when we consider and herewith compare many of your late carriages both towards the Souldiery and other free People; and principally your Cruell Exercise of Marshall Law, even to the sentence and Execution of Death upon such of your Souldiers as stand for the rights of that Engagement, &c. And not only so, but against others not of the

Army; we cannot but look upon your defection and Apostasy in such dealings, as of most dangerous Consequence to all the Laws and Freedoms of the People.

And therefore, although there had never been any such solemn Engagement by the Army, as that of *June 5. 1647.* which with your Excellency in point of duty ought not to be of the meanest Obligation, We do protest against your exercise of Martiall Law, against any whomsoever, in times of Peace, where all Courts of Justice are open, as the greatest encroachment upon our Lawes and Liberties that can be acted against us; and particularly, against the Tryall of the Souldiers of *Captaine Savages Troop* yesterday, by a Court Martiall, upon the Articles of Warre, and sentencing two of them to death; and for no other end (as we understand) but for some dispute about their Pay: And the reason of this our Protestation, is from the *Petition of Right*, made in the third year of the late King, which declareth, *That no Person ought to be judged by Law Martiall, except in times of Warre; And that all Commissions given to execute Martiall Law in time of Peace, are contrary to the Lawes and Statutes of the Land.* And it was the Parliaments complaint, That Martiall Law was then commanded to be executed upon Souldiers for Robbery, Mutiny, or Murder. Which *Petition of Right* this present Parliament in their late Declarations of the *9. of Feb.* and the *17. of March. 1648.* commend as the most excellentest Law in *England*; and there promise to preserve inviolably, it, and all other the Fundamentall Lawes and Liberties, concerning the preservation of the Lives, Properties, and Liberties of the People, with all things incident thereunto. And the Exercise of Marshall Law in *Ireland*, in time of Peace, was one of the chiefeft Articles for which the *E. of Strafford* lost his Head: The same by this present Parli. being judged High Treason. And the Parliament it self, neither by Act nor Ordinance, can justly or warrantably destroy the Fundamentall Liberties and Principles of the Common Law of *England*: It being a Maxim in Law and Reason both, that all such Acts and Ordinances, are *ipso facto*, null, and void in Law, and binds not at all, but ought to be resisted and stood against to the death. And if the Supreme Authority may not presume to do this, much lesse may You, or Your Officers presume thereupon; For where Remedy may.

may be had by an ordinary course in Law, the Party grieved shall never have his recourse to extraordinaries. Whence it is evident, that it is the undoubted Right of every Englishman (Souldier or other) that he should be punishable only in the ordinary Courts of Justice, according to the Lawes and Statutes of the Realme in the times of Peace, as now it is; and the extraordinary way by Courts Martiall, in no wise to be used.

Yea the Parliaments Oracle, Sir Edward Coke, Declares in the third part of his *Institutes*. Chap. of Murder. That for a Generall or other Officers of an Army, in time of Peace to put any man, although a Souldier, to death, by colour of Martiall Law, is absolute murder in that Generall, &c. Therefore erecting of Martiall Law now, when all Courts of Justice are open & stopping the free current of Law, which sufficiently provides for the punishment of Souldiers as well as others, as appears by 18. H. 6. c. 19. 2. & 3. E. 6. c. 2. 4. & 5 P. & M. c. 3. & 5. El. 5. & 5. Jam. 25. is an absolute destroying of our Fundamentall Liberties, and the razing of the Foundation of the Common Law of England; the which out of Duty and Conscience to the Rights and Freedomes of this Nation (which we value above our lives) and to leave You and Your Councell without all excuse, we were moved to represent unto Your Excellency, earnestly pressing, You well to consider what You doe, before yon proceed to the taking-away the Lives of those men by Martiall Law; lest the blood of the Innocent (and so palpable Subversion of the Lawes and Liberties of England) bring the reward of just vengeance after it upon You, as it did upon the Earle of Strafford: For Innocent blood God will not pardon; and what the people may doe (in case of such violent Subversion of their Rights) we shall leave to Your Excellency to judge, and remaine

Sir,

From our causeless, and unjust,
and Tyrannicall Captivity,

In the Tower of London,

April 27. 1649.

Your Excellencies

humble Servants,

JOHN LILBURNE.

RICH: OVERTON.

Notwithstanding which Letter, and much other meanes made, the said Lookier was Shot to Death in Saint Paul's Church-yard

the same day, to strike a terror and slavish feare into such other Souldiers as shall dare to take notice of their approaching slavery; but his Christian and gallant deportment at his death, with the honourable funerall pomp accompanying him to his Grave turned all the terror of his Tragedy into hatred and contempt of the Authors thereof.

152.

Arrears given
to Col. A Popham, & H. Martin,
& temptations put upon
Lilburne and
Joyce.

About this time the House of Commons gave to Colonell Alexander Popham all his Arrears, and to Harry Martin 3000l. to put him on upon the holy Sisters, and take him off from the Levellers. And Cromwell is now playing the Devils part, shewing the Kingdome of the Earth, and tempting John Lilburne to fall down and worship him, to forsake his good principles and engagements, & betray the Liberties of the people, but Lieut. Col. Lilburne is higher seated in the good opinion of the People then to be suspected of so much baseness, who are confident he will as constantly resist false promises and vaine hopes, as he hath vaine threats and terrors of Indictments, and not cast away the hold he hath of immortality by hearkning to such a Syren whose promises are but baits, with a hook hidden under them; and his preferments but like Mahomet's Paradise: He that hath confounded all the Interests of the Kingdom will not scruple to cheat his Enemy, a free spirited plaine meaning man. This is to undermine and blow up his credit with his Party, and make him liable to a revenge hereafter: He that stoops to the lure of a knowne Enemy is guilty of inexcusable folly, and a betrayer of himselfe, especially having had so faire a copy of constancy set him by Coroner Joyce, who hath with much faithfullnesse resisted the like allurement, and so foule a Copy of inconstancy by Reynolds.

150.

The designe of
making Mem-
bers of Parlia-
ment liable to
Arrests.

The Commons have Ordered, that upon Complaint made to any Judge of the Three benches, the Judges shall send a Letter of Summons to such Members of their House as shall be complained of to give an appearance, and submit to legall proceedings; otherwise his person to be liable to Arrests. But our present Judges are Creatures to the House of Commons, and know before hand what Members are Babels of Grace in favour, and must be priviledged; and who are out of favour, and must not be priviledged; they have an Index tells them when to grant and when to deny, Sinners must not be partakers of the same Lawes with Saints: This is a Whip and a Bell

Bell to drive such dogged Members out of the Hall as will not hunt in pack with the Grandees in pursuit of their design, and are quick-scented enough to smell out their knavery, if they come too neer their dore: It is thought the tyrannicall Hocas Pocases had an aime hereby to lash *Harry Martyn* off from the Levellers, and make him come in to them.

About this time some thousands of well affected Women of *London, Westminster, Southwarke, and the Hamlets*, stormed the House of Commons with two Petitions in behalf of *Jo: Lilburne* and his Company: They complaine of the Councell of States violent & illegal proceedings against them, in seizing them in the night by Souldiers; of Lockiers being shot to death by Marriall Law; of their Arbitrary Government, Taxes, Excise, Monopolies, &c. That there was a designe to fetch *Lilburne* and his Fellows Prisoners out of the Tower at midnight to White-hall and there murder them; That the House by Declaring the Abetors of the Book laid to those Prisoners charge Traytors, have laid a snare for people; when as hardly any discourse can be touching the affairs of the present times but falls within the compasse of that Booke; so that all liberty of discourse is thereby utterly taken away, then which there can be no greater slavery.

They received not so good Answers to these Petitions as they were wont to receive, when they had Money. Plate, Rings, Bodkins, and Thymbles to sacrifice to these Legislative Idols, they were bid *Go home and wash their Dishes*; to which some replied, *They had neither Dishes nor Meat left.*

Note that the Commons have returned answer to some Petitioners, that *Lilburne* shall be Legally Tried by Laws preceeding the fact, and yet by their Order, 11. April, 1649. it is ordered, That the Attourney Generall be required to take speedy course for prosecution of *Lien. Col Jo: Lilburne, &c.* in the Upper Bench this Terme, upon the Declaration of this House touching the Booke, entituled, [The second part of *Englands new Chains discovered*]. If this Order be not a Law and preceeding the fact too, then our Supreme Saints have told a Legislative Lie. In the latter end of the said Answer they are angry the Pteitioners should discover so much of their basenesse, That *Cromwell* and *Ireton* rides them, and therefore (contrary to all mens knowledge, and their owne Conscience)

154.
Women Petition the house for *L. Col. Lilburne* and his Company.

Second part of *Englands new Chains discovered.*

155.
Observations upon the Commons Answer to those that petitioned for *Lilburne, &c.*

*Humiliter serv-
viumus, aut su-
perbe dominan-
tur.*

ences) they terme those Intimations, Seditious Suggestions; and Ordered, that *Cromwell* and *Ireton* should draw up a Declaration to prevent the People from being mis led by Sowers of Sedition; such are the degenerous Spirits of under-Tyrants, who are Asses to their Superiours, and Lyons to their Inferiours: *Cromwell* and *Ireton*, that have subverted all Civil Authority, Murdered the KING, possessed themselves of what they please, and enslaved the Kingdome with a Military Tyranny, must draw up a Declaration according to their fancy, for their owne vindication, and the Commons must Father the Bastard and set the Rampe of their Authority and priviledge upon it, lest any man should confute it, and beat back the Authors lies into their throats. But this is no new invention, for formerly when the Councell of Officers set forth their Answer to the House of Commons Demands concerning their secured Members; *Cromwell* and *Ireton* caused their Journey-men of that Conventicle to Vote, *That the House did approve the matter of the said Answer*; thereby owning all the grosse lies therein contained to deterre the imprisoned Members from replying to it, and so by a tacite confession to acknowledge themselves guilty.

Ireton penned this scandalous answer of the said Officers.

156

The Turkish
Alcoran taught
to speake Eng-
lish

About this time appeared out of the East a New Light in our Horizon, the *Alchoran* of *Mahomet* (Predecessor to *Cromwell*) and of *Sergius* (forerunner of *Hugh Peters*) naturalized and turned English. Now the Jewes (professed Enemies to Christ (which *Mahomet* is not) are accepted off) it is believed that their *Thal-mude* and *Caball* will shortly be made English too, that this Island may be rendered a compleat Pantheon, a Temple and Oracle for all Gods and all Religions; our light headed innovating People being like Reeds as apt to be shaken by, and bend unto every wind, every breath of pretended Inspiration, as the ancient Arabians were.

157

New-declared
Treasons to de-
fend Tyranny
& usurpation,
and enslave the
people.

May 1. 1649. The frighted Conventicle of Commons considered of an Act (forsooth) to fortifie themselves and their usurpations with a Scar-crow of new-declared Treasons, to the purpose following.

1. If any man shall maliciously (this is a word of qualification, a back-dore to let out such as they shall thinke fit) affirm the present Government to be tyrannicall, usurped, or unlawfull, or that the

- Commons

Commons in Parliament, are not the Supreme Authority of the Nation, or endeavour to alter the present Government.

2. If any affirme the Councell of State or Parliament to be Tyrannicall or unlawfull, or endeavour to subvert them, or stir up sedition against them.

For Souldiers of the Army to contrive the death of the Generall, or Lieutenant Generall, or endeavour to raise mutinies in the Army, or to leavy War against the Parliament to joyne with any to invade England or Ireland, counterfeit the Great Seale, kill any Member of Parliament, or Judge, or Minister of Justice in that duty: All these severall cases to be declared, Treason. You see the terrors of *Caine* pursue these guilty Cowards.

This Fools Bolt is chiefly aymed at the honest Levellers; this Junto of Commons have made themselves legal Traytors already, and would now make all the Kingdome legislative Traytors; but I hope none of those that arrogate the reverend Title of *Jurges of the Law* (although against Law) will be so Lawlesse as to give sentence of death; upon any such illegal Act of the house of Commons; nay, this very Act denounceth slavery and bondage to the Nation, and therefore is an Act of the highest tyranny, and a snare.

May 6. 1649. The honest Levellers of the Army, (for that is the Nick-name which *Cromwell* falsely and unchristianly hath christned them withall) Enemies to Arbitrary Government, tyranny and oppression, whether they find it in the Government of one or many? whether in the Councell of Officers, a Councell of State, or a sag end of a House of Commons? whether it vayne it selfe with the title of a Supreme Authority, or a Legislative power?) drew together to a Rendezvouz about *Banbury* in *Oxfordshire*, to the number of 4000 or 5000 others resorting to them dayly from other parts. This Gave an Alarum to our Grandees, fearing the downfall of their dominion. *Cromwell* (not knowing what party to draw out against them, that would be stedfast to him) shunned the danger, and put his property the Generall upon it to oppose the Rendezvouz, and (looking as wan as the gulls of a sick Turkey-cock) marched forth himselfe Westward to intercept such as drew to the Rendezvouz. In the meantime the said Levellers printed and published this ensuing Paper, entitled.

Query, whether
Cromwell be
Lieutenant
Generall or no?

158
The Levellers
Rendezvouz in
Oxfordshire.

Englands Standard advanced: or, A Declaration from Mr. Will. Thompson, and the oppressed People of this Nation, under his conduct in Oxford-shire.

Dated at their Randezvouz, May 6. 1649.

VV Hereas it is notorious to the whole world, that neither the Faith of the Parliament, nor yet the Faith of the Army (formerly made to the People of this Nation, in behalfe of their Common Right, Freedome, and Safety) hath been at all observed, or made good, but both absolutely declined and broken, and the People only served with bare words and faire promising papers, and left utterly destitute of all helpe or delivery: And that this hath principally been by the prevalency and treachery of some eminent persons (now domineering over the People) is most evident. The Solemne Engagement of the Army at New-market, and Triplo-heaths by them destroyed, the Councell of Agitators dissolved, the blood of War shed in time of Peace, Petitioners for Common Freedome suppressed by force of Arms, and Petitioners abused and terrified, the Lawfull Triall by 12 sworne men of the Neighbourhood subverted and denied; bloody and Tirannicall Courts (called an high Court of Justice, and a Councell of State) erected, the power of the Smord advanced and set in the seat of the Magistrates, The Civill Lawes stopt and subverted, and the Military introduced, even to the hostile seizure, imprisonment, triall, sentence, and execution of death, upon divers of the free people of this nation, leaving no visible Authority, devolving all into a factious Junto and Councell of Sate, usurping and assuming the Name, Stamp, and Authority of Parliament, to Oppresse, Torment and Vex the People, whereby all their Lives, Liberties, and Estates, are all subdued to the Wills of those Men, no Law, no Justice, no Right or Freedom, no ease of greivances, no removall of unjust barbarous Taxes, no regard to the cries and groans of the poore to be had while utter beggery and famine (like a mighty torrent) hath broake in upon us, and already seized upon severall parts of the Nation.

Wherefore through an inavoydable necessiti, no other means left under Heaven, we are enforced to betake our selves to the Law of Na-

ture

ture to defend and preserve our selves and Native Rights, and therefore are resolved as one man (even to the hazard and expence of our lives and fortunes) to endeavour the redemption of the Magistracy of England, from under the force of the sword, to vindicate the Petition of Right, to set the unjustly imprisoned free, to relieve the poore, and settle this Common-wealth upon the grounds of Common right, Freedom, and Safety.

Be it therefore known to all the free People of England, and to the whole World, that (choosing rather to die for Freedom, then live as slaves) we are gathered and associated together upon the bare account of English men, with our Swords in our hands to redeem our selves and the Land of our Nativty, from slavery and oppression; to avenge the blood of Warre shed in the time of Peace, to have justice for the blood of M. Arnold shot to death at Ware, and for the blood of M. Robert Lockyer, and divers others who of late by Marshall Law were murdered at London.

And upon this our Engagement in behalfe of the Common-wealth, we doe solemnly agree and protest, that we will faithfully, (laying all selfe respects aside) endeavour the actuall reliefe and settlement of this distressed Nation.

And that all the World may know particularly what we intend, and wherein particularly to center and acquiesce for ever; not to recede or excede the least punctilio; we doe Declare from the integrity of our hearts, that by the helpe and might of God wee will endeavour the absolute settlement of this Distracted Nation, upon that forme and Method by way of an Agreement of the People, tendered as a Peace offering by Lieutenant Colonell John Lilburne, Master William Walwin, Master Thomas Prince, and Master Richard Overton, bearing date, May the first one thousand six hundred forty nine, the which we have annexed to this our Declaration as the Standard of our Engagement thereby winning every part and particular of the Premises of the Agreement, promising and resolving to the utmost hazard of our Lives and Abilities, to pursue the speedy and full accomplishment thereof; and to our Power, to protect and defend all such as shall assent or adhere therunto. And particularly, for the Preservation and Deliverance of Lieut. Col. John Lilburn, Mr. Wil. Walwin, Mr. Thomas Prince,

Z

Mr.

Mr. Richard Overton, Captaine Bray, and Mr. William Sawyer, for their barbarous and illegall imprisonments. And we Declare; That if a haire of their heads perish in the hands of those Tyrants that restrain them, that if God shall enable us, we will avenge it seventy times seven fould upon the heads of the Tyrants themselves, and their Creaturs.

And that till such time as by Gods assistance we have procured to this Nation the Declared purpose of this our Engagement, we will not divide nor disband, nor suffer our selves to be divided or disbanded, resolving with sobernesse and civility to behave our selves to the Country, to wrong nor abuse any man, to protect all to our power from violence and oppression in all places where we come; resolving to stop the payment of all Taxes or Sessments what soever, as of Excise, Tythes, and the Tax of Ninety Thousand pound per menssem.

And having once obtained a New Representative, according to the said agreement, upon such Terms and Limitations therein expressed; We shall then freely lay downe our Armes, and returne to our severall Habitations and Callings.

And concerning the equity, necessity, and Justice of our undertaking, we appeale to the judgment of the oppressed; betwixt their destroyers and us; Whether by the Law of God, of Nature, and Nations, it be not equally justifiable in us to engage for the safety and deliverance of this Nation; as it was with the Netherlanders, and other people for theirs, and that upon the same principles that the Army engaged at New-market and Triploc-heaths, both Parliament and Army declaring; That it is no resistance of Magistracy to side with just Principles; and Law of Nature and Nations; And that the Souldiery may lawfully hold the hands of that Generall, who will turne his Cannon against his Army, on purpose to destroy them: The Sea-men the hands of that Pilot, who wilfully runs his ship upon a Rock: And therefore, (the condition of this Commonwealth considered) we cannot see how it can be otherwise esteemed in us. And upon that account we Declare, that we doe owne, and are resolved to owne all such persons, either of the Army or Countries, that have already, or shall hereafter, rise up and stand for the Liberties of England; according to the said Agreement of the People: And in particular, We doe owne and avow the late proceedings

proceedings in Colonel *Scroops*, Col: *Harrisons*, and Major *Generall Shippens* Regiments, declared in their Resolutions published in print. As *One Man*, Resolving to live and die with them, in their and our just and mutuall defence.

And we doe implore and invite all such as have any sense of the Bonds and Miseries upon the People; any Bowells of compassion in them, any Piety, Justice, Honour, or Courage in their Breasts, any Affections to the Freedoms of England, any love to his Neighbour or Native Conuntry, to rise up, and come in to help a distressed miserable Nation, to break the Bands of Cruelty, Tyranny, and Oppression, and set the People Free.

In which Service, trusting to the undoubted goodnesse of a just and righteous Cause, We shall faithfully discharge the utmost of our Endeavours: Not sparing the venture of all hardships and hazards whatsoever, and leave the Success, to God.

Signed by me, *WILLIAM THOMPSON*, at our Rendezvous in *Oxford-Shire* near *Banbury*, in behalf of my Self, and the Rest Engaged with me, *May 6. 1649.*

For a New Parliament, By the agreement of the People.

About this time *Doctor Dorislaus* a Civill Lawyer, sometimes Judge Advocate to the Earle of *Essex*; and Lord *Fairfax*; and lately one of the Councell in the High Court of Justice against the KING, and the foure Lords; was sent from the Parliament, Agents into *Holland*; where about 18. Scotch men (Friends to *Hamilton*) repaying to his Lodging, 6. of them went up the staires to his Chamber, whilst twelve of them made good the stair-foot; where expostulating with him concerning the unjust condemnation and execution of the Duke, they stabb'd him to death, and escaped.

About the 14. day of *May*, 1649. Report was made from the Councell of State to the House of the examination of three servants of *Doctor Dorislaus*, concerning the Death of their Master; and what allowances were fit to be given to his Children out of the Kings Revenue, thereby to lay an aspersioun upon the King (as if He having had an influence upon that Fact, His Estate must make the recompence, notwithstanding Scotch men did the deed in

159
Doct. Dorislaus
stabbed to
death in
Holland.

160
Hastiggs bar-
barous motion
to murder six
royalists of the
best quality in
revenge of *Doct.*
rislaus.

revenge of *Hamilton's* death.) *Doriflaus* had been a poor School-master in the Low Countries formerly, from whence he was translated to read the *History Lecture* at *Oxford*, where he decried *Monarchy* in his first *Lecture*; was complained of, and forgiven by the benignity of the King. Then he became Judge Advocate in the Kings Army in his expedition against the Scots; afterwards he had the like imployment, under the Earle of *Essex*; and lastly, under Sir *Thomas Fairfax*; a great Gainer by his employments, but withall, a great Antimonarchist, and a Saint in *Cromwells* Rubrick, and therefore had a magnetique virtue both living and dead to draw money to him in abundance. Upon occasion of this Debate, *Haslerigge* moved, That 6. Gentlemen of the best quality [Royalists] might be put to Death as a revenge for *Doriflaus*, and to deterre men from the like attempts hereafter. (That you may the better see of what Spirit *Haslerigge* is, know, That some Northerne Counties having petitioned the Commons for reliefe, against the miserable Famine raising there: *Haslerigge* opposed their request, saying, That want of food would best defend those Counties from Scottish Invasions.) What man that had any sense of Christianity, Courage, Honesty, or Justice, would have beene the Authour of so barbarous and unjust a motion, That 6. Gentlemen no way conscious nor privy to the fact should be offered up a sacrifice to revenge and malice; nay, to guilty feares and base cowardize, to keep off the like attempts from *Haslerigge* and his Party. I wish this Gentleman would read the *Alchoran* (or new Independent Bible of the new Translation) and from thence gather precepts of more Humanity, Justice, Honesty and Courage, since he hath Read the Old and New Testament of *Moses* and Christ to so little purpose. Yet the House, 18. May, passed a Declaration, That if more Acts of the like nature happened hereafter, it should be retaliated upon such Gentlemen of the Kings Party as had not yet Compounded. But this is but a device to fright them to Compound, unlesse it be a forerunner to a Massacre heretofore taken into consideration at a Councell of Warre.

161.

An Act declaring more new Treasons.

About this time came forth that prodigious Act, declaring 4. new Treasons with many complicated Treasons in their bellies, the like never heard of before in our Law, nor in any Kingdome or Republique

publike of Christendome: Because I have formerly spoken of it, & the Act is selfe printed, published & dreadfully notorious throughout the whole Kingdom; I will referre you to the printed Copy: onely one clause formerly debated was omitted in the Act, *viz. That to kill the Generall, Lieut. Gen: any Member of this present Parlior Councell of State, to be declared, Treason*, this would have discovered their guilty cowardize so much they were ashamed of it: besides, it was thought fitt to make the People take a new Oath of Allegiance to the new State. First, I will only give you some few Observations thereupon. This Act declares to be Treason unto death and confiscation of Lands all Deeds, Plots, and Words: (1.) Against this present sagge end of a Parliament, and against their never-before heard-of Supreme Authority and Government: for, when was this Kingdome ever governed by a Parliament, or by any power constituted by them? (2.) All endeavours to Subvert *the Keepers of the Liberties of England & Councell of State* constituted, and to be from time to time constituted by Authority of Parliament, who are to be under the said Representatives in Parliament, (if they please, and not otherwise; for the *Sword* and the *Purse* is trusted in the power of the Councell of State) yet *the Keepers of the Liberties of England, and the Councell of State of England to be hereafter constituted by Parliament*, are *Individa vaga*, ayrie notions not yet named nor knowne; and when they are known we give them no Allegiance, (without which no Treason) by the knowne Lawes of the Land, which is onely due to the King, His lawfull Heires and Successors, and thereto we are sworne; nor are the particular Powers and Authorities granted by this Parliament to the said Keepers of the Liberties of England, and Councell of State yet any where authentically published and made knowne to us by any avowed Act (unlesse we shall account their Lyeened Newes Books to be such) and therefore they may usurpe what powers they please; So that these men who involved us in a miserable Warre against the late murdered King, pretending He would enslave us, and they would set us free; have brought us so farre below the condition of the basest Slaves, that they abuse us like brute Beasts, and having deprived us of our Religion, Lawes and Liberties; and drawne from us our money and blood, they now deny

us the use of reason and common sense, belonging to us as men, and Govern us by arbitrary, irrationall Vótes, with which they bait traps to catch us; woe be to that people whose rulers set snares to catch them, and are *amari venatores contra dominum*, Men-hunters against God; nay, *to move any person to stirre up the People against their Authority is hereby declared, Treason*; marke the ambignuty of these words (like the Devils Oracles) which he that hath Power and the sword in his hands will intercept as he please: If the keepers of the Liberties of England, or Councell of State shall extend to farre, or abuse the Authority never so much contrary to the Lawes of the Land, Reason, Justice, or the Lawes of God (as hath been lately done in the Case of *Lilburne, Walwin &c.*) no Lawyer, no Friend shall dare to performe that Christian duty of giving Councell or helpe to the oppressed; here Fathers and Children, Husbands and Wives, Brothers and all relations must forsake, nay betray one another; least these Tyrants interpret these duties to be, a moving of them *to stirre up the People against their Authority.* 3. *All endeavours to withdraw any Souldier or Officer from their obedience to their superior Officer, or from the present Government, as aforesaid; by which words it is Treason: First, if any mans Child, or Servant, be enticed into this Army, and the Father or Master endeavour to withdraw him from so Plundering and roguing a kind of Life back to his profession. Secondly, if any Commander or Officer shall Command his Souldiers to violate, wrong, or rob any man for the party so aymed at, or some well meaning friend to set before the said Souldiers the sinne and shame of such actions, and dissuade them from obeying such unlawfull commands.* 4. If any man shall presume to counterfeit their counterfeit Great Seale; it is declared Treason. I wonder it is not Treason to counterfeit their counterfeit Coyne? Behold here new minted Treason current in no time nor place but this afflicted Age and Nation: *Edw. 3. Anno 15. regni, ch. 2.* passed an excellent Act to secure the people by reducing Treasons to a certainty; as our new Legislative Tyrants labour to ensnare the people by making Treasons uncertain and Arbitrary; what they please to call Treason shall be Treason, though our known Lawes call it otherwise: we have long held our Estates and Liberties, and must now hold our Lives

Sic volo, sic jubeo, it shall be Treason, because they will call and Vote it so.

at the will of those great Seignours; one Vote of 40. or 50. factious Commons, Servants and Members of the Army vacates all our Lawes, Liberties, Properties, and destroyes our Lives. Behold here a short view of that Act which hath no additions by any Act subsequent. See *stat. 1 Maria, c. 10.* Whereas diverse opinions have been before this time, in what cases Treason shall be said, and in what not; The King at the request of the Lords and Commons, Declares:

1. That to compass or imagine the Death of the KING, (how much more to act it) Queen, or their eldest Son and Heyre.

See 1. H. 4. c. 10.
11. H. 7. c. 1.

2. To violate the KING's Companion, eldest Daughter unmarried, or the Wife of the KING's eldest Son and Heyre.

3. To levy Warre against the KING, or adhere to His Enemies in his Realm, and thereof be proveably attainted of open deed by people of their condition.

4. To counterfeit the KING's Great or Privie Seale: Or His Money.

5. To slay the KING's Chancellour, Treasurer, Iustices of one Bench or other, Iustices in Eyre, Iustices in Assize, and all other Iustices assigned to hear and determine, being in their places doing their Offices.

If any other case supposed Treason which is not above specified, doth happen before any Iustices, the Iustices shall tarry without any going to Iudgment of the Treason, til the Cause be shewed & declared before the KING and His Parliament (not before the House of Commons onely, or before both Houses without the King) whether it ought to be adjudged treason.

So the 4. Lords ought to have been Tried, not by a new shambles of justice.

You see how few in number these Treasons specified are, and that they must be attainted of open deed by their Peers; our words were free under Monarchy, though not free under our Free State: so were they under the Romans. Tacitus, *An. l. sub finem*, speaking of Treasons, *facta arguebantur, dicta impune erant*. These horrible tyrannies considered (and being destitute of all other lesse desperate reliefe) I doe here solemnly declare and protest before that God that hath made me a Man and not a Beast, a Free man and not a Slave, that if any man whatsoever take upon him the Reverend name and Title of a Judge or Iustice shall give Sentence of death upon any freind of mine upon this or.

or any other illegall Act of this Piece of a House of Commons, I will and Lawfully may (the enslaving scar-crow doctrine of all time-serving, State flattering Priests and Ministers, notwithstanding) follow the Examples of *Sampson, Judith, Jaell, and Ehud*, and by *Ponyard, Pistoll, Poyson*, or any other means whatsoever, *secret or open*, prosecute to the Death the said Judge and Justice; and all their Principall Abettors: and I doe hereby invite and exhort all generous freeborne English men to the like resolutions, and to enter into Leagues defensive and offensive, and sacramentall associations (seven or eight in a company, or as many as can well confide in one another) to defend and revenge mutually one anothers Persons, Lives, Limbs, and Liberties as aforesaid, against this and all other illegall and Tyrannous Vsurpations.

161

A motion to enlarge *S. Wil. Waller*, &c. And the Generalls Answer, intimating the securing of the Members to be done by confederacy with the Army party in the House.

About this time or a little before, the General was moved to enlarge *Sir Wil. Waller*, and the other Members illegally kept Prisoners at *Winfor*: he answered, *They were no longer his, but the Parliaments Prisoners*: It should seem the Brute hath made a private deed of gift of them to his Journymen of the House. The Generalls warrant seized & imprisoned them, notwithstanding the Council of Officers declared in Print, *That they were preparing a Charge against them*; yet the Knaves lied like Saints; they were then so far from having matter to accuse them of, that they have ever since, hunted after a Charge against them, and endeavoured to suborne witnesses; but after 24. Weeks restraint (whereas by the Law no man ought to be Committed without an accusation) they have found nothing against them. This turning over of these prisoners to their House of Commons proves what I formerly asserted, *24. That the violence of the Army in securing and secluding the Members, was by consent of their Somerset-house Junto now sitting in the House of Commons.*

163

The Generall sends forth warrants to all Justices of the Peace to attach those Levellers that he had routed.

The honest Levellers (most of them Country men) endeavouring to draw to a *Randevouz*, about 600 or 700 of them marched from *Banbury* to *Burford* in *Oxfordshire*, where lying securely (because they were upon treaty with the Enemy) their Quarters were beaten up, and about 180 of them taken Prisoners, which their Enemies (according to their usuall custom) to gaine reputation by lying, reported to be so many hundreds.

And

And the Generall (as if they had been all routed) sent forth his Warrants to all Justices of the Peace in the adjacent Counties; requiring them, *to apprehend and secure all such of them as shall be found*; I desire to know by what Authority the Generall takes upon him to command Justices of the Peace who are not under his power, and what tame Animals these Justices are that will submit to his commands: And whether he thinks the Civill Magistrate to be obnoxious to the Power of the Sword and the Councell of Officers? and his single selfe the Supreme Magistrate or Tyrant Paramount, notwithstanding the Vote of his Journey-men Commons; *That no single Man should be trusted with the Supreme Power.*

See the Vote and Act for abolishing the Kingly office.

The Levellers having possessed themselves of *Northampton*: the Generall (it is said) thought fit to take hold of the Hornes of the altar, and wrot to his vassalls of the City to send their Trained Bands to his reliefe that he might the better domineere over them, and continue their slavery hereafter. But if the Citizens have no more wit, I wish their Hornes may be as visible in their fore-heads, as the Nose in *Olivers* face.

164
The Generall sends to the City for additional Forces.

To cozen the Honest Levellers, the Commons (in Order to the ending this present Parliament) are debating how to pack a succeeding Representative as wicked as themselves and of the same leaven; whose Election shall not be free, but bounded with such Orders of limitation and restriction as shall shut out all men from electing or being elected, as are not precisely of the same principalls and practises, and as deepe engaged in their Tyrannicall, Trayterous, cheating, bloody designs as themselves, guilty Committee-men, and Accountants to the State shall be the next Representative; and for the better lengthening of the business (that they may see what success (in the meane time) the Levellers will have) they wire-draw it through a Committee, and referred it to be debated by a Committee of the whole House. And at last (if they must dissolve) having packed themselves into a Councell of State, they will usurpe the supreme Authority there: to prepare the way to which design, they have passed another Act, *May 19. That the People shall be Governed as a Free State, by representatives, and by such as they shall constitute*; and then consider what kind of Representative we are like to have.

165
The Commons colourably debate to dissolve this Parl. and settle a succeeding Representative.

A debate how
to defeat Judg-
ments, extents,
&c. upon De-
linquents
Lands, &c.

Great care is taken that the State (or rather our States-mens pri-
vate pockets) might not be prejudiced by Judgements, Extents &c.
lying upon Delinquent Estates: you see notwithstanding their
declaratory Vote, *That in things concerning the Lives, Liberties,
and Properties of the People, they would maintain the known Laws
of the Land; yet this Vote* (as well as all others) hath a condition
implied, that it do no waies hinder the Gains of our Godly Gran-
dees, otherwise they would not consider how to defeat Creditors of
their Legall assurances.

John Lilburne
starving impris-
onment in the
Tower.

The allowance
is 4.2 Weekes
as I conceive.

John Lilburne being ordered a close Prisoner in the Tower by
the Commons without Pen, Inke, or Paper, (which was tyranny
under King *Charls*, but not under King *Oliver*) a Petition was pre-
sented to the Commons by many wel-affected, that *John* might
have the allowance usually and legally due to Prisoners in the like
case for his support; which was rejected, insomuch that *John*
was kept three whole daies with one halfe meals meat: this is to
condemne men unheard to be murdered by Famine in their Pri-
vate slaughter houses, when they cannot, or dare not murder
them in their pretended Courts of Judicature, or publique shamles;
yet afterwards when the drawing-together of the Levellers, and
discontents of *New castle* affrighted the Commons, they voted
him the short allowance of 20 shillings a weeke. Thus you see no-
thing but fears and dangers can kindle the least sparke of goodnes
and compassion in their Woolvisb breasts: wherefore Lord (I beseech
thee) heape fears and terrors upon their guilty pates till with *Is-
dun* *Isaiah* they cry out, *we have sinned in that we have betrayed in-
nocent blood.*

Why *Ireton*
laid downe his
Commission.

Cromwell being to march against the Levellers, left *Ireton* behind
him (like a Hobby daring of Larks) to over-awe the conventicle at
Westminster, and see they chaunt no tune but of their setting, the
better to keep himselfe in a neutrall reconciling posture: *Ireton* laid
down his Commission (which he can take up againe at pleasure)
whereby he puts off all addressses to him from the Levelling party for
the present. This poore Fellow now keepeth his golden Coach which
cost 200l. and 4. gallant Horses. The world is well altered with
such petty Companions; and hereby the Souldiers may see what be-
comes of their Arreares. There hath been a seeming falling out be-
tween *Cromwell* and *Ireton*.

John.

John Lilburne being a close Prisoner in the Tower (as hath been said) *Hugh Peters* (Chaplain in Ordinary to two great Potentates; *Lucifer* and *Oliver*) came about dinner time (May 25. 1642.) to visit him, and though admittance be denied to other men, yet to him the Gates flew open: as sure as Saint Peter keeps the keys of Heaven, *Hugh Peters* keeps the Keyes of our Hell and our Grantees Consciences, and openeth and shutteth at pleasure; he is Confessor to Tyburne, and hath a great power over damned Spirits, or rather over such Spirits as not submitting basely to the tyranny of our State Mountebanks, incur their condemnation in this world, (by Gods permission) in order to their salvation in the next world: the tyranny of these Usurpers implying at once, their cruelties over our Bodies, and Gods mercy to our soules. *Hugh* first salute was, *That he came merely to give John a visite, without any designe*, (his guilty conscience prompting him to a voluntary Apology) *John* answered, *I know you well enough, you are one of the setting Dogs of the great Men of the Army, with faire and plausible pretences to insinuate into Men, when they have done them wrong, and so work out their designs when they are in a strait; and cover over the blots that they have made.* Then *John* complained of the † illegall and violent seizing upon him by Souldiers, and carrying him before that new erected thing, called, [A Councell of State] who committed him without any Accusar, accusation, Prosecutor, or Witsnesse, or any due processe of Law: and yet when the King impeached the 5. Members and preferred a Charge of High Treason against them; Recorded 1. part Broke of Decl. p. 35. and onely failed in a single puntillio of due processe of Law, they cried out, it was an invasion of the Peoples Liberties: so that four or five Recantations from Him (Recorded in their owne Declarations) would not serve His turne. *Peters* halfe out of countenance (if so prostituted a Villaine that practises impudence amongst common Whores, and whose Pulpit is more shamefull than another mans Pillory, can be out of countenance) takes up one of *Cokes* Institutions, and professed *Lilburne* was merely gulled in reading or trusting to those Books for there were no Lawes in England. *John* answered, he did believe him, for that his great Masters, Cromwell, Fairfax, &c. had destroyed them all. *May*, (quoth *Hugh*) there never was any in

Hugh Peters visits *Lilburne* in the Tower, and the substance of their conference. Witsnesse his tampering with *Hamilton* &c.

Compare this Act of the Kings, with the violent act of those Traytors and Tyrants, *Fairfax* & his Councell of Warre in imprisoning and secluding above 200. Members at once without cause shewne, & leaving onely 40. or 50 of their cheating Faction in the House to carry on their bloudy anarchicall designs; some of which secured Members with barbarous usage were almost brought to death, and their murder since attempted by soldiers.

* The Law is now taken away and all things in confusion by turning our Monarchy (without our consent) into a Free State of Slaves governed by tyrants.

This doctrine of Devils, that it is lawfull to submit to any present power that is strong; is broached in a pamphlet by old Rowse the illiterate Jew of Eaton Colledge And by John Goodwin the Sophistical Divine; which is fully confuted in A Religious Demurrer concerning submission to the present power, an excellent piece.

England: with that John shewed him the Petition of Right, asking him, whether that were a Law? which Peters had the impudence to deny, asking what Law was? John replied * out of the Parliaments owne Declarations, The Law is that which puts a difference betwixt good, and evil; just, and unjust: If you take away the Law, all things will fall into confusion, every man will become a law unto himselfe; which in the depraved condition of humane nature must needs produce great enormities: Lust will become a law, envie a law, Covetousnesse and ambition will become lawes: and what dictates, what decisions such lawes will produce may easily be discerned. This (Master Peters) is a Definition of Law by the Parliament in the daies of their primitive writty, before they had corrupted themselves with the Common wealths money. And elsewhere the Law is called the safeguard, the custody of all private Interests, your honors, lives, liberties and estates, are all in the keeping of the law, without this every man hath a like Right to any thing: it is the best birth right the Subject hath: it is a miserable servitude or bondage where the law is uncertaine or unknowne. To this the Comick Priest replied: I tell you for all this there is no Law in this Nation but the Sword, and what it gives; neither was there any Law or Government in the world but what the Sword gave. To this the honest Lieutenant Colonel answered, Master Peters, You are one of the Guides of the Army, used by the chief Leaders to trumpet their Principles and tenents; and if your reasoning be good, then if six Thieves meet three or foure honest men and rob them, that act is righteous, because they are the stronger Party. And if any power be a just power that is uppermost, I wonder how the Army and Parliament can acquit themselves of being Rebels and Traytors before God and Man, in resisting and fighting against a just power in the King, was a power up and visible, fenced about with abundance of Lawes, so reputed in the common acceptation of all Men, by the expresse letter of which all those that fought against Him, are (ipso facto) Traitors, And if it were not for preservation of our Lawes and Liberties, why did the Parliament fight against Him, a present power in being? and if there be now no Lawes in England, nor never was, then you and your great Masters, Cromwell, Fairfax, and the Parliament are a pack of Bloody Rogues and Villains, to set the People to murder one another, in fighting for preservation of their Lawes (in which their

their Liberties were included) which was the principall declared Cause of the Warre from the beginning to the end. I thought (quoth the Lieutenant Colonell) I had been safe when I made the knowne Lawes the rules of my Actions, which you have all sworn and declared to Defend; and make as the Standard and Touchstone between you and the People. * I but (replied Hugh) I will shew that your safety lies not therein; their minds may change, and then where are you? I but (quoth the Lieutenant Colonell) I cannot take notice of what is in their minds to obey that: but the constant Declaration of their minds (never contradicted in any of their Declarations) as That they will maintaine the Petition of Right, and Lawes of the Land &c. This was the substance of their discourse, saying that John pinched upon his great Masters large fingering of the Common-wealths Money, calling it Theft and State-Robbery, and saying, That Cromwell and Ireton pissed both in one quill, though they seeme sometime to go one against another; yet it is but that they may the more easily carry on their main design, To enslave the People.

Reader, I was the more willing to present the summe of this Debate to thee, that by comparing their doctrine and principles, with their daily practises, thou mayest perfectly see to what condition of slavery these beggarly upstart Tyrants and Traytors have reduced us by cheating us into a Warre against our lawfull Sovereigne, under pretence of defending our Lawes and Liberties, and the Priviledges of Parliament, which themselves onely (with a concurring faction in the House) have now openly and in the face of the Sunne pulled up by the roots; and now they stop our mouths, and silence our just complaints with horrid, illegal and bloody Acts, Declaring, words and deeds against their usurpations and tyranny, to be High Treason: nothing is now Treason but what the remaining faction of the House of Commons please to call so. To murder the King, break the Parliament by hostile force, put down the House of Lords, erect extrajudiciall High Courts of Justice to murder Men without Tryal by Peers or Jury, or any legal proceeding; to subvert the fundamentall Government by Monarchy, and dispossesse the right Heyre of the Crowne, and to usurp his Supreme Authority in a factious saggie end of the House of Commons, to put the Kingly Government into a packed Junto of forty Tyrants, called, A Councell of State; to exercise Martial Law in

* The Lawes are now no protection to us, nor the rule of our actions, but the arbitrary wills and lusts of the Grantees.

St. & 162.

times of peace, and upon Persons no Members of the Army; to raise what unnecessary illegall Taxes they please, and shure them and the Crowne Lands and Revenues amongst themselves, leaving the Souldiers unpaid to live upon *Free quarter*, whilst they abuse the People with pretended *Orders against Free quarter*; to alter the *Styles of Commissions, Patents, Processe, and all Legall proceedings*, and introduce a *forrein Jurisdiction*; to *Counterfeit the Great Seale and Coyne of the Kingdoms*, and to keep up *Armies of Rebels* to make good these and other tyrannies and Treasons, is *High Treason by the known Lawes*; but now (by the Votes of the *Conventicle of Commons*) it is *High Treason to speake against these Crimes*. Good God! how long will thy patience suffer these Fooles to say in their hearts *there is no God*? and yet *professe thee with their mouthes*? to break all *Oathes, Covenants, and Protestations* made in thy name, to cloake and promote their *Designes* with dayes of impious fasting and thanksgiving? how often have thy *Thunderbolts* rived senselesse Trees, and torne brute Beasts that serve thee according to their Creation? yet thou passest over these men who contemne thee contrary to their knowledge and professions: Scatter the People that delight in *Warre*: Turn the *Councells of the wise* into folly, let the crafty be taken in their owne net; and now at last, let the *Oppressed taste of thy mercies*, and the *Oppressor of thy justice*; throw thy rod into the fire, and let it no longer be a bundle bound together in thy right hand. They appeale to thee as *Author of their prosperous sinnes*, become (Lord) *Author of their just punishments*; bestow upon them the *remand of Hypocrites*, and teach them to know the difference between the *saving strength* of *Magistrates*, and the *destroying violence* of *Hang-men*: But what am I that argue against thy long-suffering (whereof my self stand in need) and seeke to ripen thy vengeance before thy time? shall the *Pot aske the Porter what he doth*? I beheld the prosperity of the wicked, and my feet had almost slipped: Lord amend all in thy good time, and teach us heartily to pray, *thy will be done in Earth as it is in Heaven*.

May 30. 1649. The aforesaid trayterous Act for abolishing *Kingly Government*; and converting *England* into a free State; (consisting of forty Tyrants, and many millions of Slaves) was proclaimed in *London* by the newly intruded illegall Lord Mayor

Andrewes,

Andrews, accompanied with 14 Aldermen of the same pack, the People in great abundance crying out, *away with it, away with it, God save King Charles the second*: and bitterly reviling and cursing it and them, untill some Troops of Horse (ready prepared in secret) were sent to disperse, beat and wound them: and yet the Trial of the King, and the subverting of our well-formed Monarchy (under which we lived so happily heretofore) with all other Acts of the like high nature was done in the name of the People of England, although (I dare say) at least five hundred to one (if they were free from the terror of an Army) would disavow these barri-
 all so little are the People pleased with these doings: notwithstanding the *new Trick* the Conventicle of Commons have gulled them with-
 all, Voting the People of England to be the *Suprem: Power*, and the Commons representing them in Parliament, the *Supreme Authority* of the Nation under them; this was purposely so contrived to engage the whole City, and make them as desperately and impardonably guilty as themselves: and certainly if this Tumult of the People (amounting to a publick disclaimour of the Act) had not happened, the whole City had been guilty by way of connivance, as well as these Aldermen, and the illegal common Councell; newly packed by the remaining faction of Commons, contrary to the Cities Charters, to carry on these and such like designs, and entangle the whole City in their Crimes and Punishments.

g. The Names of the Lord Mayor and Aldermen of the City of London that personally Proclaimed the Act for abolishing Kingly Government.

Alderman *Andrewes*, Lord Mayor.

Alderman *Pennington*.

Alderman *Bateman*.

Ald. *Wollaston*.

Ald. *Atkins*.

Ald. *Foulkes*.

Ald. *Finer*.

Ald. *Kenrick*.

Ald. *Avery*.

Ald. *Byde*.

Ald. *Wilson*.

Ald. *Edmonds*.

Ald. *Dethick*.

Ald. *Pack*.

Ald. *Foot*.

The

171
A Thanks-giving Dinner in the City for the Generall, &c.

The Pharaſticall Houſe of Commons voted an Act, 1. *June.* for a day of Thankſgiving to ſet off King *Olivers* Victory over the Levellers with the more luſtre; and to ſing *Hofanna* to him for bringing the Grand Delinquent to puniſhment. The wiſe Lord Mayor and his Bretheren (in Imitation) invited the Parliament, Councell of State; the Generall, and his Officers, to a Thanks-giving dinner upon that day. The Commons appointed a Committee (under pretence of drawing more money from Adventurers for Relief of *Ireland*) to engage the City farther to them; *Cromwell* had the Chaire in that Committee: the device was, that the Common Councell ſhould invite the Parliament, Councell of State, and officers of the Army to Dinner, and feaſt them as a free State, and then move the ſupplies for *Ireland*. But if the Levellers had prevailed, the Thanks-giving white-broth and cuſtard had been beſtowed upon thoſe free ſpirited Blades, whom *Oliver* raiſed into a *Muſiny* with one hand, and (by advantage of his ſpics) caſt down with another, for the glory of his own name, and that he might have an occaſion to purge the Army (as he had done the Parliament) of all free-borne humours.

172
The Councell of State ſit in Pomp at *White ball*.

White-ball is now become the Palace of a *Hidra* of Tyrants inſtead of one King; where our *Hogens Mogens* or Councell of State ſit in as much State and ſplendor with their Rooms as Richly hanged (I wiſh they were ſo too) and furniſhed (if you will believe their Li-cenced News Books) as any Lords ſtates in *Europe*; yet many of theſe *Muſbromes* of *Majeſty* were but *Mechanicks*, Gold-smiths, Brewers, Weavers, Clothyers, Brewers, Clerks, &c. whom ſcornfull Fortune in a ſpitefull meriment brought upon the Stage, and promoted to act the parts of Kings (to ſhew that men are but her Tennis-balls) and when ſhe is weary with laughing at their diſguiſes, will turne them into the *Tyring Roome* out of their Borrowed caſes; and ſhew us that our *Lions* are but her *Aſſes*. The Kings poore Creditors and Servants may gape long enough (like Camelions) to ſee the aforeſaid Ordinance executed, for ſale of the Kings goods to pay their Debts: they (poore Soules) are left to ſtarve while theſe Saints Triumphant revell in their Maſters Goods and Houſes.

173

Orders about this time were ſent forth into London and the Counties adjacent for certaine Committees to enquire upon Oath and

and certify the improved value and revenue of every Mans Estate real and personall; wherein good progresse hath been made already; the like is to go forth throughout the Kingdome. That our forty Mechanick Kings now sitting in *White-hall*, and the selfe created Supreme Authority of the Nation, may take an exact survey (in Imitation of *William the Conquerours Booke of Survey*, called *Doomes-day*, remayning in the *Exchequer*) of their new conquered Kingdome, and know what they are like to get by their vilanies; and how to load us with Taxes and Free Quarter, and what the value of their Estates are when they have compleated their design of *Sequestering the Presbyterians as they have done the Royalists*.

A General survey to be taken of the whole Kingdom, that every mans Estate reall and personall may be taxed.

The Faction in the House are this beginning of *June*, 1649, sitting abroad upon an Act to enable Committees to give Oathes in some cases; and yet the House of Commons never had nor pretended to have power to give Oathes themselves (though every Court of *Peeres* hath) because the House of Commons is no Court of Judicature, but only the grand inquest of the Kingdome, to present to the King the grievances and the necessities of the People by way of humble Petition; as appears by our Law-Books and Statutes: and therefore the Commons can grant no more then they have themselves. But now the remaining faction of the House have Voted themselves to be the *Supreme Authority of the Nation*, and have a sword to Maintaine it, they and we must be what they please: yet I must affirme, that to take illegall Oathes is neither justifiable before God nor Man, and no lesse then damnable. But (it may be) that by accustomed the People to take these new imposed, illegall Oathes, they hope to make them the more easily swallow their intended new Oath of *Allegiance* to their new State, and their own Damnation together hereafter.

174
An Act enabling Committees to give Oaths.

All the Scrivenors about the Towne are commanded by the Supreme thing to produce their Shop-books; that notice may be taken who are guilty of having mony in their purses, that the fattest and fullest may be culled out and sequestred for Delinquents, now that their Almighty Saint-ships have occasion to use it for defence of their Free State, if they would but search one anothers private Pockets they would find mony enough. The like atremp (only) in the Kings time was cried out upon as a

175
Scrivenors commanded to show shop-books.

high peere of tyranny, but nothing can be tyranny under a Free-state: The Supreme Authority being so full a Representative glasse of the People, that it takes our very substance into it self, and leaves us only the shadow, whilst we wander up and downe like our owne Ghosts, who having lived under the Monarchy of Good KING CHARLES, are now dead and descended like shades into the Kingdom of Pluto.

176.
The aforesaid
Thanksgiving
solemnized.

The 7. June, 1649. The thanksgiving (spoken of 173) was solemnized in the City: the Lord Mayor meeting the Speaker, resigned to him (as formerly was used to the King) the Sword of State (as had been ordered by the House the day before) and received it again from him: and then the Mayor conducted them all to *Christ Church*, where the Commons, Councell of State, General, and his Officers, together with the Mayor, Aldermen, and Common Councell, &c. mocked God with their Devotions, where Master *Thomas Goodwin*, and *M. Owen* preached out of the Politicks to them; from whence they were conducted to a great Dinner at Grocers Hal, and entertained in the quality of a Free State; no man being admitted without delivering his Ticket. They were all strongly guarded with souldiers, and every Cook had an Oath given to be true to them, which shewed they had more fear and guilt than confidence: and innocency within them. Great Presents of Plate given to his Excellency *Fairfax*, and to his super-excellency *Cromwell*, and to others, fit to be cronical in *Stowes*, and *Hollingsheads* Volumes, amongst other solempne Fooleries, let it not be omitted that *Hugh Peters* and many other Saints were too full of the Creature (*anglice*) Drunk.

177
A necessary
advertisement
to all honest
Presbyterians,
See K. Charles
the First his
Book; [the por-
traiture of his
Majesty in His
solitudes and sufferings] Some over-hastily expect the King should satisfy the Presbyterians by his Declaration; but the height of the Independents malice and their gussy fears are such as may en-
danger the drawing in a Massacre upon them by such a course.

I am to give a necessary advertisement to all men, that though the young King shewes much respect and a desire of reconciliation (according to his dead Fathers never dying precepts) to all moderate men and Presbyterians that make Addresses to Him, yet it is complained of by some (who look not into the undermining practices of our New Statists) that some few of His Counsellors and Followers are as violent against the more moderate and honest Presbyterians, as against the Independents who

murdered

murdered His Father; but these zealous Royalists are either some passionate light-brain'd men of little discretion and lesse power with Him, or else some false-hearted Pensioners to our new State, and such as have under hand an Indempnity for their owne Estates in England; who stand like Scar-Crowes about His Majesty to fright away such as returne to their Loyalty; and tender their due allegiance to Him, thereby to weaken the Hands of His Majesty; and cut off the hopes of this Nation from depending upon Him, who as our undoubted Sovereigne (both by the Lawes of God and the Land) and Gods Vice-gerent in His three Kingdomes, onely can and will (if we forsake not him and our selves) free and protect us from the many-headed, miserable, arbitrary tyranny we now starve and bleed under; and restore unto us againe our Religion, Lawes and Liberties, our Wives, Children, and Estates, Trading, Husbandry, peace and plenty now held in more than Egyptian bondage, under our cruell, bloody & thievish Taskmasters; *Remember his deceased Majesties gracious Messenger frequently sent for peace and reconciliation; Remember His Concessions to His Parliament upon the last Treaty; (more then ever any King granted to His People.) Remember His pious, meek and Christian Martyrdomes* suffered for His People, which bitter Cup had passed from Him if He would have built up and established this Babel of Tyranny now insulting over us, and have turned our wel-mixed Monarchy into an Olygarchicall legall Tyranny, by adding His Royall Assent to their wicked Demands tendered to Him but two daies before His transsition from this valley of teares. *Remember His Posthumous Booke to his Sonne, full of precepts, favoring meerly of piety, Christian wisdome, charity and forgiveness, to His very Enemies; and then judge whether our late King, or our usurping Kinglings (now scratching and tearing us, making one Watre beget another, perpetuating an Army, and domineering over us by the power of the Sword) were the naturall Parent whose bowels yearned upon this (now) Orphan Child, the English Nation dying and exoiring under this new Corporation of Tyrants, (the putative Parent) which overlayed it? He that acknowledged Allegiance to the Father, cannot deny it to his Sonne, as having sworn to bear faith and true Allegiance to the King his Father, and to his lawfull Heyres*

See a Booke
entituled, [His
Majesties Gra-
cious Messages
for Peace] and
Master Pryn's
Speech, 5. Dec.
1648. in the
House, and
the secured
Members Re-
ply to the
Councell of
Warre.

1 King. 3.

Oath of alle-
giance, & Star-
of Recogniti-
on, Jacobi.

and successors; which our usurping *Hogens Mogens* cannot pretend to be: so that as well for duty and conscience to God, and their own Souls, as for a necessary and just protection of their Lives and estates, all honest and wise men ought to cast themselves into the Arms of his Dread Majesty our present King, as the only sanctuary of their Salvation, and not suffer themselves to be so farre misled by vaine Reports, as to be more afraid of their curethen of their disease.

Stultorum incurata pudor Malas ulcera celat.

*Dictum de
Kenelworth.*

Solomon hath shewed you out of the Cabinet of nature the difference between a Natural Mother and a Step Mother, and that you may see the difference between a naturall King, correcting his own People with fatherly compassion for examples sake; and a Usurper, wounding, killing and Robbing (those which are none of his own) his fellow Servants for his lust and lucre sake, I will set downe a short abridgement of our own famous *Dictum de Kennelworth*, and first the occasion thereof, which was thus.

Simon de Montford, Earle of *Leicester*, conspiring with many other great men, Rebelled against *Henry third*. Pretending (after the manner of all Rebels) *Reformation of Publique grievances*. He overthrew the King in Batle, tooke him and his Sonne Prince *Edward* Prisoners; the Prince after a while escaped out of Prison, raised an Army, overthrew and slew in the battle of *Evesham* *Simon Montford*, subdued the whole Party, rescued and re-inthroned his Father. Commissioners were sent forth to prevent future troubles, and settle mens minds growne desperate with feare. what horrid punishments so horrible a Rebellion would bring upon them: the result of all is contained in the said *Dictum de Kennelworth* as I find it in *Magna Charta veteri*, fol 60. part 2. observe the moderation of it; No man bled to death for it but in the field; the blood of Warre was not shed in time of Peace: The King did not slay those whom he had taken with his Sword and with his Bow, but reasonably fined them, not unto destruction; though the known Laws called them *Traitors*, and put them into his power for life, lands and goods; they were but once punished, not alwaies tormented and kept upon the rack, after the late custome of our fellow Servants and Subjects; who will never suffer the Partician wall between us to be thrown down, *England* once more to become one nation, & one

See the late
History of the
Marquesse of
Montross, what
gentle use he
made of his vi.
Glory after he
had subdued the
Strength of
Scotland at the
Battle of *Kilsy*.
162.

one People; and our broken bones to be againe set and knit together.

Dictum de Kennelworth.

None to be Dis-inherited, but onely fixed: As namely, those.

1. That began and continued in War. 2. That held Northampton against the King. 3. That fought against him at Lewis, Evesham, Chesterfield. 4. That were taken at Kenilworth. 5. That sacked Winchester, being yet unpardoned. 6. That voluntarily sent against him, or the Prince. 7. The Officers of the Earle of Leicester who molested their Neighbours with Rapine, Fire, Murder, or otherwise, to pay in three years five years value, and halfe their Estates of Land. If they sell it, such as are by the Kings grant possessed of them to have them giving as any other, &c. And so if it be to better, those who pay the whole to have all instantly; and that pay halfe, to have halfe: If in three years the whole be unpaid, the Land to be divided between him that owes it, and him to whom the King hath given it. If any have Woods by sale of which he would pay his Fine, the money to be paid by two, of which either side to chuse one.

2. Knights and Esquires, who during this Warre have enriched themselves by Rapine, having no Land, to pay halfe their goods, and be bound with sureties to the Peace; if no goods to be quitted by Oath, exceptis bannitis quibus solus Rex potest remittere.

3. Lords of Wards to pay for them; and be answered by their Wards when they come to age; which if they accept not, the Wardship to accrue to such as the King hath given the Ransome to, and they to be so answered.

4. The Kings Wards to remaine where they are placed, and be Ransomed as others, but without destruction.

5. Such as were with the King before the Battle of Lewis, and since are Dis-inherited, His Majesty to declare His pleasure touching them.

6. No Man now posselt of Wood to Fell any but onely for repaire till the last day of Payment be passed and not abused.

7. The King and the Popes Legate to send beyond sea for a time

such as are likely to trouble the peace of the Kingdom, which if it hindered the paying of their Ransome, not for that to be Dis-inherited.

8. Such as were grieved with this Agreement might appeal to the Kings Court before S. Hilary, and such as were beyond sea to have inducias transmarinas.

9. Because the King was to reward many and some had too much, the King out of these Fines to provide for them.

10. The Legate, King, and Henry d' Almain to Elest 12. who should cause these Articles to be executed, and to see performed what they ordain, according to the estimates already taken, or if not to have new rates taken reasonable and true.

11. Tenants that were against the King to lose their Leases; but at the expiration of their time the Lands to return to the true owner.

12. Forts built by the assent of the King, but without that of the Person dis-inherited, after the Fine paid in three yeares, to pay the costs of building of it in six yeares, or receive a reasonable exchange in Land.

13. Such of the Lay as apparently drew any to the part of the Earl of Leicester to pay two yeares Revenue.

14. The Buyers of other mens goods mistingly, to restore the value of that they have bought, and be at the Kings mercy, because that they did was against justice.

15. Those that at the Earls command entered Northampton, yet fought not, but entered the Church.

16. Such as held not of the Earl, yet at his command entered to the action with Him to pay half one yeares Revenue.

17. Such as held of the Earl to be only at the Kings mercy.

18. Impotent Persons, and such as did nothing to be restored to their Possessions, and by justice recover their damages, their Accusers punished by Law, yet without losse of life or limb.

19. Maliciously accused to have their Estates immediately restored.

20. Women to have their own Lands, and what they had of their first Husbands; if their late Husbands were against the King to be restored according to Law, or Fined.

21. None to be fined but such as were against the King.

22. Such

22. Such as have been pardoned to remain so.
23. Those that are fined to answer no less a done to any, but all damages to be remitted on every side; except those that intermeddled not, and of the Church whose Actions are saved.
24. The King by reasonable Exchange to receive the Castles of Eddley Bishop and Chartley, is seeming dangerous to leave Forces in their hands who have carried themselves ill towards the King.
25. Those that in the future shall commit any outrages, to be punished by Law.
26. An Oath to be Taken where it shall be held convenient, not to pursue each other with revenge; and if any shall attempt the contrary, to be punished according to Law.
27. The Church to be satisfied by those that injured it.
28. Such of the dis-inherited as refuse this Composition to have no title to their Estates, and to be esteemed publick Enemies to the King and Kingdom.
29. Prisoners to be freed by the advice of the King and Legate.
30. No Person to be dis-inherited by reason of these Troubles by any to whom he ought to Succeed.

You see what great care was here taken to prevent spoyle and waik of Woods, &c. whereas in this latter Age the first thing taken into consideration, is, how to raise ready moay by destruction of Woods, Housing, and selling of the Stock to lay the Lands wast, and decay Husbandry, to the indangering of a Farmine for the present, and the dis-inheriting our innocent Posterity for the future: so little care is taken to keep that well which is so ill and illegally gotten. And how much regard was had to preserve innocent persons from suffering wrong in any just claim or title they could make to any Land possessed by a guilty person: whether they claimed by dower, Joynture, Title of Estate in reversion, or Remainder or otherwise? I wish the like Justice were now observed.

Monday night 4 June, 1849. that third part of a Lord Admiral, Col. Edw: Popham came to Westminster, and presently made his addresses to the high and mighty Estates in White-hall, giving them a Dismissal relation of his ill successe in tampering with the governour of King'sale in Ireland, who (proving honestier then

178.
The losse of ships at King'sale suppressed, and misreported in the House, and why?

the

the Saints expected)ooke a summe of money of him to betray the Towne, Forts, and Ships in the Road : but when *Popham* came in to the Haven to take possession of his new purchase, gave him such a Gun-powder welcome that he lost most of his Men, landed to take livery and leasin, and divers ships: he was commanded to conceale this ill newes, least it discouraged the City to engage so farre with them, as to enterraine them in the condition of a free State, and surrender the Sword to them; and so spoyle the designe of their Thanksgiving Devotion and Dinner to be celebrated together in, and with the City upon Thursday ensuing the 7. of *June*; and least it should dishearten more secluded Members from comming to sit in the House with them againe, knowing, that Tyrants are followed for their fortunes, not for themselves: wherefore upon Tuesday following (being the fifth of *June*) *Popham* made another kind of Report to the Plebeians of the Commons House (who must not be trusted with the truth of State misteries, but (like Wood-cocks) must be led in a mist) That he had left *Kingsale* blocked up with ten ships, and the Seas secured in Peace and quietnesse: and the better to adorn the fable, and suppress the truth from approaching the ears of the People, the House that day (15 *June*) passed an Order, That for this remarkable additionall mercy bestowed upon them in the prosperous successe given to their Fleet at Sea, upon Thursday next, 7. *June* (the day set apart for publique thanks-giving) the Ministers should praise God. Lord I since these audacious saints are so thankfull to thee for one beating, bestow many more beatings upon them, for they stand in need of all thy corrections. The like attempt hath been upon *Scilly* with the like successe, since which time 40 saile of ships are pressed in the Thames to recruit their shattered Navy; given forth to be a winter Guard at *Midsomer*.

John Blackiston is packed away to the other World; and the House upon 6 *June*, Voted to his Wife and Children 3000l. out of the Earle of *Newcastle's*, and Lord *Witherington's* Estates, in compensation of the losse of his Pedlery ware, in his shop at *Newcastle*; he had formerly given to him 14000l. you see the insatiate hunger of Gold and Silver survives in the very Ghost of a Saint after he is dead. 500l. more was given to *Johns* Brother; an Estate out of the Rectory and Demesnes of *Burford* was set-

led

Scout from
June the 8. to
15. 1649.

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Gifts given a-
mongst the
Faction.

led upon the Speaker. 4000*l.* per annum Lands are to be settled upon the Generall out of the Duke of *Buckingham*s and his Brother the Lord *Francis Villers*s Estates. 400*l.* per annum out of *Claringdon Park* upon the Earle of *Pembroke*. 1000*l.* was bestowed upon an eminent Member of Parliament for his many good services, 4868*l.* to the Lord *Lisle*, out of the Monethly assessment for *Ireland*, for his penny-worth of good service done there; you see to what purpose we pay Taxes. 2000*l.* Land per annum, and 1000*l.* Money given to *Bradshaw*, the price of Blood; And 400*l.* more given to the Poore of the City (to stop their mouthes from Cursing upon the Thanks-giving day) out of the 2000*l.* Fine set upon the Lord Mayor *Reynoldson* for not proclaiming the Act for Abolishing Kingly Government; this is (according to the Spanish Proverbe) *To Steale a Sheepe and give away the Trotters for Gods sake*. You see the Saints can find mony to give Gitts, though not to pay Debts; although the publique Faith lie at pawne for them. A Committee is appointed to consider how to preferre Mr. *Thomas Goodwin* and Mr. *Owen* to be Heads of Collages in *Oxford* as a Keward for asserting the late proceedings of Parliament upon the aforesaid Thanksgiving day. It is not fit such men should serve God for nothing; in the times of St. *Peter* and St. *Paule*, Godlinessse was great gaine; but in the daies of our modern Saints, Gaine is great Godlinessse.

The thing that miscalls it selfe a *Parliament*, hath set an Excise of 1*d.* the Gallon upon all forraigne Salt imported: which is, in-effect upon all the salt we use, (our home-made Salt being inconsiderable) you see our Cups, our Spits, our Powdering tubs, our washing Bowles, our Kettles, our Hats, our Doublets, Breeches, Stokings, Shoes; nothing we use, eat, drinke or wear, is free from being devoured by these sanctified Locusts of the free State, who complained of the King for that petty inconsiderable Tax of *Ship-mony*, which his Majesty spent in maintaining Guards of Ships upon our Seas, so much to the honour of our Nation, that the King of *Spain* trusted all those vast summes of Bullion he sent to the *Low Countries*, to be Coynded in our Mint, and above a third part yearly to be laid out here in English Cloth and Commodities, which with the residue of the Spanish Treasure was afterwards wasted over into *Flanders* in English

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The Excise
enlarged upon
Salt.

Bottoms, for which they were liberally payed: whereby every mans Estate was increased 10l. in the hundred. *England* infinitely abounded with Coyne and Plate, as appears by those many vast Summes that have been constantly extorted from the People since the beginning of these Wars; more, I dare say, than all our Kings since the Conquest. (excluding *William the Conqueror* and *Henry the Eighth*) ever raised upon the People) and by those many vast Summes our seeming Saints have sent into Banks beyond Sea, and buried in their private coffers.

Reader, let me admonish thee, That the Levellers (for so they are miscalled) onely for endeavouring to Levell the exorbitant usurpations of the Councell of Officers and Councell of State) are much abused by some Books lately printed and published in their names, much differing from their declared Principles, Tenets, and Practices; but forged in *Cromwells* and *Iretons* shops to cast an adium upon them. These State-wolves by such forgeries endeavour to make the Sheep forsake and betray the Dogs that faithfully guard them; that they may with more security Hooe them, slay them; and eat them hereafter. *Ireton*, *Hasslerig*, and Postmaster Attorney *Prideaux*, by themselves and their Bloud-hounds, (Spies and Intelligencers) have been very diligent to draw dry-foot after *M. Lilburn*, *Walwine*, &c. and subordinate witnesses against them, but (not having yet quite extinguished all sparks of truth and honesty, unless it be in their own breasts) failed of their purposes. Yet they goe on to purge the Army (as they have done the Parliament and Conventicle of State) of all free-borne humours (in order to their destruction) that the Army may consist of meer mercenary brutish spirits, such as will so far neglect the duties of men and Christians, as to execute all their tyrannous, bloody illegall Commands; with a blind obedience and implicate faith, without asking a question for Conscience sake, the better to enslave both the Kingdome and Common-souldiers. In farther prosecution of this designe, they have projected to levy seven new Regiments (which by way of Gullery) they call *Presbyterian Regiments*, and shall be raised by Presbyterian Commanders, but those Commanders shall onely be employed to countenance the work for a time, and then for pretended offences be purged out of the Army, if not out

of

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A Vindication
of the Level-
lers in some
things; and a
farther designe
to garble and
enslave the ar.
my.

of this world; by the Council of Officers, and more confiding men put in their rooms: and then shall these new Officers and Regiments be used as Catch-poles and Hang-men (contrary to the honour of Souldiers) to persecute and execute such Members of the Army as retain any sense of memory of their old Engagements and Principles.

* I formerly told you of an underhand combination between the domineering Independent Party here, and *Owen Roe O'neale*; which is now openly declared and avowed by their own licensed News-books. *Owen Roe* and Colonel *Monke* are joynd (saith the *Modest Narrative*) our Party have permitted 300. of *O'neale's* own Regiment to Quarter in our parts amongst the Greats within two miles of *Dundalk*, (saith the *Scout*) *Owen Roe* and *Berne* are come towards Col. *Jones*, and Colonel *Monke's* Quarters, he is so faire as to pay Contribution: his Quarters are to the Scots side of *Dublyn*, to prevent their giving ayde to *Ormond* in his attempt upon *Dublyn*: who can blame necessity? nor doe our Grandees now deny this Confederacy with the bloody Popish massacring Rebels, although they had the impudence to make the only supposition thereof one of the principall Charges against the late King; and to raise a great out-cry against the Marquess of *Ormond* and Lord *Inchiquin* for their conjunction with *Preston*: yet they joynd but to prevent the *Cromwellists* who offered to associate with him upon conditions much more prejudiciall to the Protestant Religion, and English Interests, than *Ormond* hath given them. They have offered this *O'neale* all the Lands in *Ulster* forfeited by his Grandfather *Tyrone*, *Shane O'neale* and others attainted, thereby destroying the British Planters there; and this is the reason they imploy so few old Irish Commanders into those parts, lest the *O'neals* should doubt they came to recover their own Lands again. But our Adversariall Saints account themselves loose when other men are bound, nothing but a halter can hold them; all obligations to men, all duties and Vowes to God, they break upon pretended necessity and honest intentions. Their Metropolitan Nuntio, *Jadar Haules*, tell you, *Their Party will not joyn with the bloody Irish, untill they are brought to such a pinch, as to say,*

Flectere si nequeo superos Acheronta movebo.

Cc 2

* 182.

The pretended Parliament's Council of State and Officers confederated with *O'neale*. See *An Aston-gaine at Irish, &c.*

1649. and the Propositions printed at Cork and reprinted at London, From June 6.

1649.

June 8. 1649.

Moderate Intelligence, &c. June 7. to 14. 1649. numb. 221.

See the Council of Warres answer concerning the secured and secluded Members; from June, to 13.

If num. 3

If God will not be Author and Patron of their designs, the Devil shall; you see these Independents hang between God and the Devil, *Michael* and the Dragon; not resolved which part to take.

183
Parker the Ob-
servator.

Be it known unto all men by these presence, that *Harry Parker* the Observator is returned from *Hamborough*, and highly preferred to be Brewers Clerke, (*alias* Secretary) to *Cromwell*; to whose designs he hath prostituted his pen.

184
Meltons Book,
The tenure of
Kings and Ma-
gistrats, &c.

There is lately come forth a Booke of *John Meltons* (a Liber-
tine that thinketh his Wife a *Manacle*, and his very Garters to be
Shackles and Fetters to him: one that (after the Independent
fashion) will be tied by no obligation to God or Man) wherein
he undertaketh to prove, *That it is Lawfull for any that hath power*
to call to account, Depose, and put to Death wicked Kings and Ty-
rants (after due conviction) if the ordinary Magistrate neglect it.
I hope then it is Lawfull to put to death wicked *Cromwells*, Coun-
cels of State; corrupt Factions in Parliament; for I know no
prerogative that usurpation can bestow upon them. He likewise
asserteth, *That those, who of Late, so much blame Deposing, are*
the Men that did it themselves, (meaning the Presbyterians.) I
shall invite some man of more leisure and abilities then my selfe
to Answer these two Paradoxes: But shall first give him these cau-
tions.

1. That for the Polomick part he turne all his Arguments in-
to Syllogismes, and then he will find them to be all Fallacies, the
froth of Wit and Fancy, nor the distates of true and solid Rea-
son.

2. That for the Historicall or narrative part: he would thoroughly
examin them, and he wil find few of them consonant to the plumb-
line of Truth:

3. That he would consider that from the beginning of this Parli-
ament there were three parties or factions in it:

1. The *Royalists*.

2. The *Presbyterians*.

3. The *Independents*.

For though they were not then notorious by that name, yet the
persons confederated were then extant and active; being a com-
plication of all *Antimonarchicall, Anarchicall heresies and schisms*.

Ana-

See the mystery
of the 2. Junto's
Presbyterian
and Independ-
dent.

Anabaptists, Brownists, Barrowists, Adamites, Fanaticalists, Libertines of all sorts; the true Hēyres and Successors of John of Leyden and Knipperdolling in all their principles and practises united under the general Title of Independent: and these were originally the men that by their close insinuation, solicitations, and Actings began, and carried on the Warre against the KING, with an intent (from the beginning) To pull down Monarchy, and set up Anarchy, notwithstanding the many Declarations, Remonstrances, obortive Treaties, Protestations, and Covenants to the contrary; which were obligations (from time to time) extorted from them by the Presbyterians, although not strong enough to hold such subtile Sampsons, whose strengths to breake such Wythes lay not in their Bushes of Haire, but in the Ambushes of their Hearts, wherein there alwaies lay hid some evasion, equivocation, or men-tall reservation, which, like a back-doe, gave them leave to make an escape. In the beginning almost of this Parliament, the Independents (that is, the Schismatics) in the Parliament insisted openly upon it, to have the Papiests in Ireland routed out, and their Lands sold to Adventures, and Passing an Act to that purpose, necessitated the Irish Papiests to Massacre the English Protestants; which was purposely done by the Independents, that both Papiests and Protestants might destroy one another there, that they might the better subvert Protestantcy in England, which is now in hand. And though it be true that the first Generall, the Earle of Essex was a Presbyterian: yet he was acted by Independents, as the Lord Say and others of the like stamp; and had a clause in his Commission, [to forbear the Kings Person] which clause upon the Independents new Modelling the Army under Fairfax was omitted at their especiall instance.

Monday 18. June, 1649. Came forth that most usefull Booke of John Lilburnes; called [The Legall Fundamentall Liberties of the People of England Revived, &c.] wherein he excellently well sets forth the new usurped Tyranny of that Hydra of Nimrods now subverting our Lawes, Liberties, and property, consuming us with illegall Taxes, Excise, Free-quarter, Monopolies, and sharing Land, Money, Goods, and Offices amongst themselves, perpetuating a Army to enslave us, and overthrow the fundamentall Government of this Nation, in order to which they have compyled with and cheated all

185
L.C. Lilburnes
Book, [The
Legall funda-
mentall Liber-
ties of the Peo-
ple, &c.] —

Interests; broken all their Obligations to God and Man; violated all the Lawes of this Land, their owne Protestations, Covenants, the Oathes of Allegiance, Supremacy, (which themselves caused the People to take) and their owne Votes, Declarations, &c. The illegality of their late erected High Court of Justice, and their unjust proceedings therein, the tyranny & usurpation of the Councell of State and Officers of the Army. And proveth that Col. Prides new purged, new packed House, is neither a House of Commons, nor Parliament; their usurped Supreme Authority to be a meer nullity or fiction, and especially, That this Parliament is cleerly dissolved & ended, which he proveth by the Death of the King, and by many other solid Arguments; and therefore all their Actings to be voyd and null: with many other considerable passages, where he ingeniously confesseth, that being the Kings Prisoner at Oxford, with many other of the Parliament Party, the King did strictly observe the Lawes of the Land in His proceedings against them; which this Parliament doth not do in any their most legal proceedings, for all their pretended Engagements, Declarations, Votes, Protestations & Covenants to maintain and defend the Lawes and Liberties of the People, Ergo, the King really, the Faction in Parliament but pretendedly sought for our Lawes and Liberties.

The Faction are now contriving to seize all the Tythes of the Kingdome into their owne hands, (yet they are the Ministers freehold) and to make all the Ministers their stipendary Lecturers: that they may preach and teach onely such Doctrine to the people as may bring them under a blind and slavish obedience to our forty Tyrants of the new Councell of State, presuming that all our Ministers carry their Consciencs in their purses, because the Independents doe so. Look to your wayes Christian Brethren, you are likely hereafter to have Oracles of State, obtunded upon you instead of the Oracles of God. If the Ministers will not parrot forth the new States Doctrine to you, they shall be starved out of their Pulpits.

The thing called a Parliament is now likely to have so generall a purge as will leave neither life nor soule, dung nor guts, in the belly of it. King Oliver (unwilling to go for Ireland, and leave them sitting, who may unvote all he hath compelled them to vote) hath commanded his Journey-men to think of an Adjourn-

ment

186
Tythes to be
sequestred for
the State.

187
An Adjourn-
ment of this
pretended Par-
liament consid-
ered of.

ment for some good time, that they may take the ayre, and grow whole some againe; and then (without some dire mischance) they never meet more; but this *Supra* thing hath learned to us to much modesty to their *Superiours*, as to referre it to the *Hogen Mogens*, or Councell of State, to consider what Votes and Bills they shall passe before hand for establishing their *Hightness* in their new Dominion; And when (out of their assumed *Supreme Authority*) they have conferred as much upon the Councell of State as their ambitious ayre at, they (good Boyes) shall have leave to breake up Schoole and goe into the Countrey to see their Friends, and visit their Foss: that is, all such as have full purses to be squeezed. Thus you see the method of *Divine vengeance* observes a *Degradation*: 1. Down went the King, and his Authority lapsed into the two Houses, 2. Down went the Peers House, and all Authority fell downe into the Commons House. 3. Downe goes the House of Commons, and the *Supreme Authority* translates it selfe into a Councell of State. And (if my soueigne faile me not) 4. Downe will go the Councell of State, and all Authority be grafted into the new hands of Campion Gaurus and his Manynuckby, his Councell of Warre, when they shall think fit to Act bare faced without using a packt peece of a Parliament or Councell of State as a screen or vizard to cozen and defool the people.

In order to which Government by the Sword, Cromwell is voted to go into Ireland with his wing: Consisting Officers and Army, with all power Civill and Military for 3 years: what doth this import tell then that he is to be King of Ireland? there to practise the first rudiments of Kings craft, and when he hath injured those Semi-barbarians to a Military Government, he shall returne with his Ianifaries and subdue the English to the like obedience: In the meane time his property Fairfax shall be under the observation of the Councell of State here, and be beleagured both in his own house and Army with *Olivars* Creagures; and in this dishonorable sickle condition he shall have the vaine honour to keepe *Olivars* Regalia, (the Crowne sitting upon one side like a Fooles Cap upon his Head) untill he returne, and shall then be called to account for all odious and unfortunate accidentes that shall happen (for it is not for the Majesty of *Olivar* to beare the blame, although they fall out by *Cromwells* owne oversightes, or Gods anger

ger upon him) thus *Cromwells* shadow being removed, himselfe may take substantiall and actual possession of the Throne which he already enjoys in all things but the *Title*. And then let all true Saints and Subjects cry out with me, *God save K. Oliver and his brewing vessels.*

189
13. Bills enjoy-
ned to be pas-
sed by the
Commons be-
fore Adjourn-
ment.

The *Lunts* of *Titular Supremists* at *Westminster* (especially so many as have not packt themselves into the *Councell of State*) are very unwilling to quit their long-held Dominion, and submit to their owne *Bastard brood*, *The Lords States at Whitehall*; but there is no remedy, *Oliver* is resolved to unyoke his Cattle and turn them to grasse; he knowes they may unvote all they have voted at his command, (if during his absence in *Ireland*, or *Scotland* rather) a new emergent power should overawe them; the present feare being alwayes most terrible to Cowards. But the *Councell of State* hath set them their take, which they must speedily performed before they Adjourne, consisting of 13. Poynts:

1. That all *Acts* concerning the *Loans of Moneys*, *Excise*, *Sequestrations*, *Goldsmiths-hall*, *Haberdashers Hall*, *Assesments* for *England* and *Ireland* be passed. These reprobate Saints will sooner forget their God, then their Mammon, [money.] You see they meane to perpetuate our burdens, as well as their owne Army; and dominer over us with an arbitrary, military tyranny for ever.

2. That an *Act* be passed for setting the *Militia* of the Nation. This amounts to a new invented *Commission of Array* (lawfull for usurping Saints, though not for a lawfull King) by vertue of which the *scum and dregs* of the people (base enough to associate with the Army) shall be Armed, and all men of quality and fortunes (unlesse such as owe their fortunes to their crimes) disarmed.

3. Against exporting *Wool* and *Fullers Earth*. Unlesse it be for the benefit of the Saints.

4. To prohibite exportation of *Gold* and *Silver*. The Saints have exported all our *Gold* already, and most of our *Silver*; and will never give over the Trade themselves though they prohibite others. But *Gold* and *Silver* are drawn out of *Mines Royall*, and belong to the Saints by their prerogative.

5. An *Act* to be passed for punishment of *Revolted Sea-men* and *Mariners*, None against trayterous, tyrannous, chieftish Saints.

6. An

6. *An Act for relief of well affected Tenants against Malignant Landlords; who having compounded for their Estates, rack their Tenants Rents, or turne them out of doors.* This is a device: First, to make worke for such Members as not being of the Councell of State, would become as Contemptible as they are hatefull, being develtled of all power to play the Tyrants after Adjournment. And Secondly, to stir up all the Tenants of England (especially *Schismatics*) to combine with them, against their Land-lords; and deprive them of the Legall use of their Estates, and the benefit of their Compositions; for, to what purpose shall Gentlemen compound for their Estates, when they must *let* and *set* them at the discretion of domineering Committees, or Commissioners, conspiring with the High Shoes, to oppress, make a prey of, enslave and unspirit all the Nobility and Gentry of England here aymed at under the Generall Title of *Malignants*; oh perfidious Tyrants! keepe your money Gentlemen, or turne it into Iron and Gunpowder.

7. *An Act to suppress Malignant Pamphlets aspersing the present proceedings of the Parliament, Councell of State, and the Army, and prevent Printing as much as may be.* That is to set truth in the pillory, whilst her counterfeite, impudent lying and standing lies in state in Parliament, Councell of State, and Councell of Officers, and ride triumphantly Coached into the City to Thanksgiving Devotions and Dinners.

8. *That the pulpits being as Scandalous as the Presse against their proceedings; they enjoine that a more strict course be taken to stop the mouthes of the Preachers hereafter.* You see how *Ahab* like these subverters of Church and Common wealth; accuse our Prophets for troubling our *Israel* (being their own sinne) and seeke occasion to bring spirituall as well as corporall famine upon the Land, cutting off the staffe of bread as well from our Soules as from our bodies, by stopping the mouthes of Gods messengers. But I hope they will remember the duty they owe to the honour of him that sent them upon his Embassage to his people, and fearing God more then Man, every man cry out to his own soule and conscience with Saint Paule, *1. Cor. 9. 16. Va mihi si non predicavero, Hoc be to me if I do not Preach.*

9. *That an Act be passed that that clause of the Stat. 23. Eliz.*

9. *That an Act against Sectaries should be repealed, that none may be questioned thereby in the vacancy of Parl.* What is this but to pray in syde of Tarkes, Jewes, Anabaptists of Munster, nay the Devill himself to joyne with them as they have already joyned with Owen Roe Oneale, and his bloody massacring Irish Papists against the Protestant Religion, which was part of the designe of the schismaticall Party in Parliament in waging warre against the King from the beginning. See 184. The Marginall Notes there. This impious Liberty of Conscience to destroy the Protestant Religion is all the liberty we are like to enjoy under the Kingdome of these bloody cheating Saints, in all things else we are mee, and absolute Slaves.

10. *That an Act for a Generall Pardon be passed to all Persons except such as are particularly named therein, and declaring no pardon to any that shall for the future raise war in this Nation against the present Authority thereof.* This is a project, 1. To pardon themselves and their Party for their transcendent villanies, and to stop the mouth of the Countrey from complaining of them after their Adjournment, and this shall be effectually done. 2. To beseege silly weak spirited People with general words of a pardon which shall be made ineffectually by many exceptions and limitations. 3. This is principally intended to fright men from attempting any thing against the usurped Supremacy and Tyranny of the Council of State: and therefore all pardons to such attemptors are before-hand declared against. This with them is (as a sinne against the Holy Ghost) unpardonable; to deny their Supreme arbitrary Authority.

11. *That the Act for releife of poor prisoners for Debt may be passed.* Though I can with as much Charity as any Man with a reliefe to them; yet I like not that Charity should be made a cloak to ambiguous Knavery; and all the Creditors of the Kingdome be made liable to the vexation of a covetous Committee, who under colour of Charity shall raise up all the indobred Men of the Kingdome against all the married Men, if they will not sacrifice their purses to the Fob Gods of the new State, and be bountifull to the Committee; which is the full scope of this Proposition.

12. *That the souldiers may be secured their Arrears out of the late Kings Lands.* This is to eye all the Country by the purses-strings.

Briggs (which is Saints Tenues) to make good that horrid, traitorous Murder.

13. That an Act be passed for Probate of Wills, Granting administrations, and Investing of Ministers presented. These lunatique Saints should have thought upon a new way to be set up before they throw down the old one, and not have left men in an uncertainty how to dispose of their Estates, and a *Justitium*, a vacancy of Justice upon the Kingdom: you see what Mountebanks our new State-Juglers are. The good Boyes began to learne their Lessons upon Monday, 25 June.

The Councell of State likewise reported to their said Free school of Commons severall things which they (in order to their future greatness) would put into a way during the Recess: against the House, next meeting, when two Sundaies come together:

190
Things under
taken by the
Councell of
State during
the Recess

1. That Commissioners be appointed in every County to make an estimate of all Tythes, to the end they may be taken away for the tithing, and some other provision designed for Ministers. This is a whip and a Hell to lash Ministers to preach State Divinity.

2. That the Councell of State consider of settling future Parliaments, and the constant time of their calling, sitting, and ending of: for this Parliament shall think fit to dissolve themselves. If they are not dissolved already, (which is the constant opinion of many great learned Lawyers well-affected to the Parl.) they will never be dissolved without the help of a Hangman. But I would gladly know by what Authority a pack of forty Knaves calling themselves a Councell of State, and usurping Regall power shall take upon them to abolish our ancient form of Parliaments, contrary to the fundamental Lawes of the Land, their own Declarations, Protestations and Covenants, and to pack and shuffle new Parliaments, to dispose of our Religion, Lawes, Liberties, Lives, and Estates, against the consent of the farre major part of the people.

3. That they shall consider of an Act for regulating Proceedings in Law, and prevent tediousness of Suits. There are too many Lawyers in the Councell of State to do any thing effectually that way, but it may be they will consider how to make the Lawes of the Land more suitable to an Olygarchicall tyranny, and less agreeing with Monarchy.

4. That they will consider what Lawes are fit to be repealed. That

is, all Lawes enjoying uniformity in Gods Worship, all Monarchical Lawes, and all Lawes allowing more civill liberty and Priviledges to the People, and to severall degrees of men then squares with the designs of our new upstart State.

191
Deane and
Chapters
Lands purcha-
sed by the
Godly,

So many men have been cheated with Publique Faith, Irish Adventures, and Bishops Lands, that the Market is spoiled for sale of Deane and Chapters Lands, wherefore the Saints (being the onely monied men left in the Kingdom) have now agreed to buy them themselves, considering, that since they hold their Heads and all that they have in *Capire* of their Lords Paramount, the *Councell of Officers*, they may as well buy dog-cheap, and hold Deans Lands by the same Tenure. For which purpose they have their Broakers abroad to buy in Souldiers and Officers Debentures for arrears at five shillings and six shillings in the Pound, though they are allowed the whole summe of the Debentures in the Purchase, which doubling in ready money they purchase upon such easy particulars as brings it downe from ten years purchase, to two or three years purchase. They are not seen in the outinesse themselves, but buy them in other mens names, and to the secret use of their Wives and Children. The Lord *Mounson*, *Humphrey Edwards*, and Sir *Greg Norton*, (who hath sold his own Lands to purchase new upon this Title) and many other Saints have lately trod this obscure path.

192
Souldiers info-
rencies remedi-
leffe.

Great complaints are made by the Country of the Souldiers insolency (amongst many other things) in putting their Horses into mowing Grass. The Generall hath Ordered the next Officer in chiefe to cause double damages to be given by the Souldier; and if the said officer neglect, he is to Answer it at a Councell of Warre at the Head Quarters. This remedy is worse then the disease, and as meere a gullery as the Act for taking off Free-Quarter. The chiefe Officer will laugh at the Complainant, the Head Quarters are farre off, and the Councell of War will tyre him with delaies, and expose him to more injuries of the angry Souldiers. The Officers will not, nor dare not keepe a strict disciplin.

193
The Earle of
Denbigh and
Nery Martin
referred to
Committees.

The Earle of *Denbigh* referred to the Committee of the Revenue to consider the Arrears of his Ambassie in *Italy*, and of his 1000 Marks *per annum* pension bestowed upon him by the late King.

King. If his defects had been better, his reward had been worse, and worse paid. Also *Henry Martin* *Bones* and *Arrears* referred to the consideration of a Committee. If the Committee would know what *Harry* hath lost, they must examine his *Barber Surgeon*, *Roland Wilsons* *Arrears* and *Losses*, and the *Lord Grays* *Charges* and *Arrears* to be considered and reported; you see *Charity* begins at home, and the Members exercise it (for the most part) in their own House.

June 25. An Act passed, to enable the Councell of State With absolute power to grant speciall and particular Letters of Marque or Reprisall in the name of the Keepers of the Liberties of England by Authority of Parliament. What is this but to empower the Councell of State to make warre at Sea with all Princes and States at their discretion? they have already so farre decayed all the Trade of this Nation, that ere long Traffique will be totally destroyed, whereby our Sea men with their Ships will be necessitated (for want of employment) to Revolt to the PRINCE, to prevent which inconvenience they will find worke for them by granting so many particular Letters of Marque to all such as shall but pretend themselves wronged by Foraign Nations; as will amount to a generall practice and profelssion of Pyracy, and turne England into a second *Argives*; whereby all princes and States will be provoked to make a Pyratieall War upon England; as against a Den of Thieves and Robbers, common Enemies to Traffique and humane Society: as the Romans did under the conduct of *Pompey*, against the Cilician, and other Asiaticque Pyrates.

Captaine *Younge* hath blown up with Gun powder a Ship of the Princes, called the *Antelope*, lying at Anchor in *Helversluse*, under protection of the States of *Holland*; whereby the Chamber of *Holland* and the Honour of their Inland Sea is ravished from them. By this, and by some former action of the like insolvency (as the firing upon their Ships; and killing their men for not striking Sayle to them) you may see what good Neighbourhood the Dutch are like to have of their younger brother State, when they are once settled and confirmed in their yet infant Government: even the very same which the *Carthaginians* found from the new erected Common-wealth of *Rome* grew up to maturity; which proved so dangerous a Competi-

194
The Councell of State authorized to grant Letters of Marque.

195
Capt. Younge blowing up the *Antelope* in *Helversluse* with a caution.

for in point of power, profit, and honour, as buried the more ancient Free-State of Carthage in its Ruines. *Aristocracies* (especially *Aristocracies*) are very quarrelsome with their Neighbours, and never want many of their Patrician most potent Families ambitious to increase their own power and glory by Wars; and therefore seek occasions of quarrell with their Neighbours; such was the whole Family of the *Barchinas* at Carthage; the *Scipias*, *Fabii*, *Camilli*, *Craffi*, *Pompeii*, *Cassii*, and many more at Rome: Thus was *Carthage* torne in pieces by its Free-States.

196
More Gifts to
the Gentry.

The Commons have bestowed St. Crosses Hospital upon Cook for acting the part of an Attorney Generall against the late King. It is fit every *Lord* should have his reward; the New Park in Surrey bestowed upon the City in reward of their Thanksgiving Dinner; that the new-packed Court of Aldermen and Common Councell may not want Venyson to fill their Wives Bellies, nor they Browe Antlers to hang their Hats on.

197
Order 9. *1649*
1649 referring
all seclured and
seclused Mem-
bers to be exa-
mined before a
Committee.

The 9. June the Commons (about 46, in number) had passed an Order concerning their seclured, seclused, and absented members; and referred all such as had not already entered their dissent to the Vote, 5. *Decemb.* 1648. to a Committee to give such satisfaction to them as the House should approve of before the 30. of June instant, or else the House would take order for New Elections. This was to bring the said Members (300. in number at least) to the winnowing, that they might admit such as were for their turne to re-enter their thin house, and expell the rest: few repaired to them, and of those very few were chosen, the Speakers sonne, Sir John Treasurer (who hath a Monopoly of 1500l. per annum, out of *New-castle* Coles, for which he was many moneths kept out of the House, and at last admitted (onely to comply with the Fiction) and his said monopoly continued.) Sir Henry Haymonde, two Sons of the Earle of Pembroke, were received. This was thought very unreasonable that so many Gentlemen either kept out or driven away by force should by a farre lesse number sitting and acting under the same force, be sent to attend a Committee, to stand with their Hats off to *Holland*, *Scott* &c. and be examined and expelled for giving their Votes (Yes, or No) in the House according to their Consciences. This was to subvert the Liberty of all Parliaments for the future; and

to make this House (which calls it self a Parliament) a mere packed Junto to carry on forehand Designs. Besides, to expect they should approve all that the sitting Party in the House had done in the absence of these non sitting Members, who neither heard the Debate nor Reasons whereupon they grounded their Votes against the King, and House of Peers, nor for the abolishing Monarchy, and turning it into a Free State, erecting a Councell of State for that purpose, voting the Supreme Authority to be in themselves, and many other matters of the like high nature, which have no place in the Lawes of England: was such an imposition as neither agreed with the knowne Parliament Priviledges, Liberty of Conscience, (so loudly protested by these sanctified Members which sit) nor with humane reason and sense. And at last to sit under those Armed Guards that put a force upon them (the 6. Decemb.) before; promised a little of safety, unless they would renounce their owne Consciences and Act the wills of their Janinaries and their Party; and would render them contemptible to all the world, especially to those men who put this insolvency upon them.

I formerly told you how unwilling the Members were to adjourn and resign their more than Kingly Power to the Councell of State; wherefore *Cromwell* finding he could not obtain that of them by a Vote, projected another way to work his Designe; not the old way of a violent purge by securing and secluding the Members with his Myrmidons, that is already infamous and would savour too grossly of the Power of the Sword; and would shew *Olivier* to be rather a Quack-salving Doctor of Physick than a Doctor of the CIVIL Law. He caused the Councell of Officers therefore to frame certain Articles of Impeachment against Mr. *Lenthall* their Speaker, as followeth;

to punishment grand Delinquents. This is a new kind of Star Chamber of military Nobles held like a Rod over the Mock Parliament, Councell of State, and the General, in case they shall oppose *Oliviers* Designs.

1. For releasing out of New-gate 3. of the Queens Priests and Jesuits by his Warrant.

2. For maintaining and protecting severall Spies and Agents for the late King within the Line of Communication during the late Wars.

3. For

Articles of Impeachment against the Speaker.

Note that *Olivier*, before he left the Town, erected a Committee of Officers of the Army to prosecute and bring

3. For conveying divers remarkable Prisoners at War out of the Line of Communication unto the Late King.
4. For assisting and protecting severall plotters on the behalfe of the late King, to destroy the City of London.
5. For suffering above 30000l. to be conveyed to the late King out of the Line of Communication, wittingly and willingly.
6. For sending Horses of War, with Men and Arms to the late King.
7. For holding an Interourse of Letters with the Late King.
8. For maintaining and keeping an agent in the Garrison of Oxford, for expediting the foregoing Treacheries.
9. For corrupting many Members of the Parliament, some lately excluded, and some now sitting in the House to conceal and smother the foregoing Treacheries.
10. For endeavouring to take away the Lives of severall the prosecutors and witnesses unto the foregoing Treacheries.

You see there is not one word in them of consoling the Commonwealth, (which is now become the private-wealth of every particular Saint) because this would have broken universally the whole communion of Saints, and would have set them altogether by the ears, to defend themselves by recriminating one another: The device was, by taking of the Speaker, to Dissolve them; since they cannot by the Priviledges of the House, chuse themselves a new Speaker without the consent of a power higher then their owne, (to wit) the Kings. And though they will be so much masters of their own Priviledges, as to coyn new every day, upon emmergens occasions, yet those irregularities are always done under the power and protection of the sword, which they could not expect against their own Visier *Basha Oliver*. This trick being smelt out, was so highly resented, that it perished in the birth; only (I heare) the Speaker bled in private 15000l. towards *Olivers* expedition.

All the sinks of Tyranny and oppression about the Towne, the Committee of the Revenue, Goldsmiths hall, Haberdashers hall, the Excise Office, &c. are all emptied into that Common-Sewer *Olivers* expedition into Ireland (or rather Scotland) or engaged as a security to furnish him with 150000 l. part whereof onely he

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150000l. Advance money
for *Cromwells*
expedition.

is accountable for, the residue is left to his discretion and conscience to buy towns and victories with, and to be offered upon an altar to be erected *Deo ignoto*.

At *Olivers* request, the House admitted Sir *Edward Ford* to compound upon the Articles of *Oxon*, notwithstanding his lapse of time; *Ford* married *Ireton's* Sister, and the Lord *Culpeper's* Sonne married *Ford's* Daughter. Observe how the Generall is lessened to advance *Cromwell*. 1. The Command of the Irish forces taken from him, and *Cromwell* sent with a higher power then ever any went with into that Nation. 2. All Souldiers that will are enabled to leave their Regiments and List under *Cromwell*: so that the discontented and Levelling party onely are left under the command of *Fairfax*.

Col. *Martins* Account brought into the House, 3. July 1649. his Arrears came to 25000*l.* and 1000 *l.* per ann. Land ordered to be settled upon him and his Heyres. The Lord *Gray of Groobies* Arrears for last Summer only against Duke *Hamilton*, 1500*l.* These things considered, I cannot wonder at the Petition presented to the Generall by Capt. *Iubbs*, in the name of Col. *Husons* Regiment about *July* 6. wherein (amongst other things) they complaine; *That the House doe Weekly bestow 1000*l.* per ann. upon themselves out of the publick Treasury of the Nation, when as the Souldiers wants are great, and all the People are in great necessity.*

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More Gifts to the Godly.

The Moderate
from July 3 to
July 10, 1649.

As if the dividing of the Army; and putting the most confiding men under *Cromwell*, the taking the whole command of Ireland from the Generall and conferring it upon *Cromwell*, the drawing dry all the treasures of Mony to furnish *Cromwell*, and leaving no mony to content the Generalls remaining part of the Army, the turning the odium of seizing and secluding the Members, and Murdering the King, upon the Generall, were not sufficient diminutions of the Generall, and augmentations of his Lieutenant Generall: The Welch Counties are set on worke to desire *Harry Martin* for their Commander in Chiefe; and the Western Garrisons (the most considerable of *England*) are to be taken from the Generall, and put into the hands of *Cromwell* and his party for his retreat from *Ireland*; so that if all this do not enable him to ruine the Generall, (it will at least) enable him to divide the Army, and cautionize the Kingdom, and turne the Generall into the dangers and troubles of the starving,

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Endeavours to lessen the Generall.

forlorne, North Counties bordering upon Scotland. And if Cromwell find Ireland too hard a Bone for him (it is thought) he will endeavour to surprize the Isle of Man, and from thence infect Scotland and Ireland.

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An inquisition
for bloud an in-
genious piece
newly come to
light.

About the 18 July, 1649: was presented to the world an ingenious piece, entituled, [*An Inquisition for Bloud*] to the Parliament in statu quo nunc. And, to the Army, Regnants: wherein the Author proves, That the K I N G did not take the guilt of Bloud upon Himselfe by granting the Preambulatory Proposition in the late Treaty in the Isle of Wight, in these words (viz.) That He acknowledged that the two Houses of Parliament were necessitated to undertake a Warre in their own just and lawful Defence &c. And that therefore all Oaths, Declarations, or other publique instruments against the 2. Houses of Parliament, or any for adhering to them &c, be Declared nul, suppressed and forbidden.

His Majesty in yeilding to this Grant had reference to two ends: 1. To prepare the way to peace, which without this had been hopelesse. 2 To secure and indemnifie the two Houses, with all their adherents, and rid them from those despairing feares and jealousies which made them adversaries to peace.

For the words of this Preamble, they were not of His penning, He was not Authour of them, but an Assentor to them: nor was He, or His Party accused or so much as mentioned in them.

He made this Concession *sub stricta novacula*, when the Razor was (as it were) at His throat: 1. An Army of 30000. Horse and Foot effective against Him. 2. When He was endangered and tired out with a long and close imprisonment. 3. When many dangerous menacing Petitions against His life, had been encouraged and entertained: so that the King may seem to have been necessitated to yeild to this Grant for His own just and lawfull defence.

His Majesty passed this Concession with these two Provisoës: 1. That it should be of no validity untill the whole Treaty were intirely consummated. 2: That He might, when He pleased enlarge and cleer the truth with the reservednesse of His meaning herein by publique Declaration: Now the Treaty being powerfully carried on without Debate, or receiving any Proposition from the King, as was capitulated (and reciprocally proposalls are of the Essence of all Treaties) this Grant could never bind him.

This

Part II.

The History of Independency.

This Grant was a meer Preambulatory Proposition not of the Essence of the Treaty. Philosophers and School-men tell us, No valid proof can be drawn out of Proems and Introductions, but out of the Body of the Text. So in the Lawes of England, and in all Accusations and Charges, Prefaces and Preambles are not pleadable. They are the last in penning of Laws, least in account, nor never had the force of Lawes.

Ther's not a syllable in this Preface which Repeales any former Law inflicting a Penalty upon such Subjects as bear or raise Arms against their King: nor those Laws which (*è contrario*) exempts from punishment all Subjects adhering to the person of the King in any Cause or Quarrell.

Whereas the said Preface saith, the two Houses were necessitated to make a Warre, &c. This may relate to a necessity *à parte post*, not *à parte ante*, self-defence is the universall Law of nature, extending to all Creatures; it is, *non Scripta sed nata Lex*. Therefore when the two Houses (or rather a Schismaticall Party in them) had brought upon themselves a necessity of Self defence, His Majesty was contented to acknowledge that necessity. If one Man assault another upon the High-way, and the Assailed furiously pursue the Assailant, putting him to the defensive part, the Assailant is now necessitated to fight in his owne defence, although he drew that necessity upon himself, yet is he now excusable *à posteriori*, not *à priori*. And as Civilians say of clandestine Martiages, *Quod fieri non debuit, factum valet*; for *multi sunt quæ non nisi paracta approbantur*.

Lewis the 13 of France, had many Civill Warres with his owne Subjects, amongst other Treaties to compose them, upon the Treaty of *Lodun* he was enforced to publish an Edict, approving of all that had been done by his Opposites as done for his service. The like Extenuations are not unusuall at the close of Civill Warres; and the onely use made of them was never other than to make the adverse Party more capable of pardon, to secure them against the brunt of the Lawes, to salve their credits, and pave the way for an act of Oblivion, and restore a settled Peace; peace and Warre, like Water and Ice, being apt to beget, one another. But never was use made of such Grants to ruine the King that granted them, or His party.

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3

Proems to
Laws are con-
demned by ma-
ny Lawyers
& Politicians.
*Est nihil frigi-
dias legem
Prologo, jubeat
lex, non suadet*

6

7

By raising Tu-
mult, &c.

Thus having confuted that misprision, *That the King by granting that Introductory Proposition, hath taken all the bloud upon his score:* my Author having cleered his way to his farther Inquisition after bloud, proceeds, and tel's you, *Blew Cap was the first that opened the issue of bloud by entering England, and shewing Subjects the way of representing Petitions to the King upon their Pikes point: That the Irish tooke their rise from him.* And whereas occasion was taken to calumniate his Majesty for having a fore-knowledge thereof (amongst many other convincing Arguments to cleer him) my Lord *Macquire* upon the Ladder, and another upon the Scaffold, did freely and cleerely acquit him. And (in regard great use was made of the Irish Rebellion to imbitter the people against the King) the Authour winds up the causes thereof upon one bottome. Telling you

1. They who complied with the Scots in their first and second Insurrection.

2. They who dismissed the Irish Commissioners (sent to present some grievances to the Parliament) with a short, unpolitick harsh Answer.

3. They who took off *Straffords* Head (the only Obstracur of that Rebellion) and afterwards retarded the Earle of *Leicesters* going into *Ireland*.

4. They who hindered part of the disbanded Army of 8000 men raised by the Earle of *Strafford*, being Souldiers of Fortune, to go serve the Spaniard, as his Majesty had promised the two Spanish Ambassadors, the Marquesses of *Velada* and *Malnezzi*: which cashiered discontented men first put fire to the Tumult. They who did all this, are guilty of the Irish Rebellion, and of the Bloud of above 100000 Protestants who perished in that War. Adde, They who importuned the King (contrary to his Judgment) to make the Irish desperate by passing an Act to confiscate their Estates, and grant them away to such as should advance Monies upon Irish Adventures.

Touching the War kindled in *England*, the Author confesseth it was a fatall thing there should be a withdrawing of the Kings Person from the Parliament. But averreth it was a barbarous thing that the King with above foure parts in five of the Lords, and two parts in three of the Commons should be frighted away by Tumults raised by

Ven

Fen and Bourges, and a design to seize the Kings Person: yet its fit it should be remembered;

1. *What reiterated Messages His Majesty sent*, offering to return, if there might be a Course taken to secure his Person, with those Peers and Commons rioted away.

2. *That there was not the least motion towards War, until* Hotham shut the Gates of Hull against the King, attended only by some few of his household servants; which Act of his was approved of afterwards by the House of Commons Vote, as if he had done it by their warrant.

3. *That a while after*, there was an Army of 16000 men effective inrolled about London, to fetch him to his Parliament, and remove ill Councillours, under the Earl of *Essex*, long before the King began to set up his Standard.

4. That the same Army so raised, to bring the King to his Parliament, was continued two years after to keepe him from his Parliament.

5. *Who interdicted Trade first*, and brought in Forraign force to helpe them? and whose Commissions of War were near upon two years date before the Kings.

6. That in all His Declarations. He always protested, He waged not Warre against the Parliament, but against some Seditious Members, against whom he could not obtaine Common Justice.

7. *That upon all good successes*, the King still courted the Parliament and City to an Accommodation.

8. That upon the Treaty at *Vxbridge*, The King moved, that (to prepare mens minds to Peace) there might be freedom of Trade from Town to Town: A cessation of all Acts of Hostility for the time, that the inflammation being allayed, the wound might be cured the sooner.

9. *That this present Army remember how often in their Proofsalls*, and Declarations they protested; that their aime was, to restore his Majesty with Honour, Freedom, and Safety, whereunto they were formerly bound by their protestation and Covenant; and that the two Commanders in cheife paun'd their Souls to him there-upon.

10. That to settle peace, the King did in effect, (by his Con-
Ee 3
cessions)

cessions) part with His Sword, Scepter, and Crowne, and every thing that was personall to Him.

11. With what admired Temper, Prudence, Constancy, He supported Himself in his Afflictions; and how many of his engaged Enemies became his Converts thereby, I speaking Pinceryicks in his praise.

12. That though there be some precedents in our Histories for Deposing Kings in point of Competition for the Crowne; yet it is unexampl'd. That a King of England of an undoubted Title, should be Summoned, Arraigned, Tried, Condemned, and Executed at his owne Door, by his owne Subjects; and by the Name of their King, to whom they had sworn Allegiance: Contrary to the whole Current of the Law, which saith, The King can do no wrong. The Crown takes away all defects: Wherefore it was adjudged iudicially to take off Attainders, under which Hen 7. and Queene Elizab. lay, because the Crown wyped off all Blots. *Rex non habet Parem in suis Dominiis nec Superiorem, satis habet Rex ad panem, quod Deum expectat ultorem.* If therefore by the Lawes of the Land, all men must be Tried by their Peers, and the King have no Peere, what power had these Men to arraigne their King & to be both His engaged Enemies, Accusers, and Judges; and to Erect an unpresidented Tribunall without the least Foundation in Law, with power, and purpose to condemne all that came before it; and that Sentence of Death should passe without conviction, or Law, against the Head, and Protectour of all our Lawes, and Fountain of Justice and Mercy.

13. That they (who by their owne Confession) represent but the Common People; should assume power to cut him off, who immediately represented God.

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M. Pryn's excellent Book entitled, [A legall Vindication of the liberties of Engl.] Against illegal Taxes, and pretended Acts of parliament abridged in part, but the whole commended to be seriously read by all men.

About the same time Mr: William Pryn Assigned his Reasons why he could, neither in Conscience, Law, nor Prudence, voluntarily submit to pay the Arbitrary illegall Tax of 90000l: a month imposed upon the People by a pretended Act of the Commons bearing Date of 7 April 1649 towards the maintenance of Forces to be continued in England and Ireland.

Because

Because by the *Fundamental Lawes*, and knowne Statutes of this Land, *No Tax* &c. ought to be *Imposed or Leavyed*, but by the *Will, and common Assent of the Earls, Barons, Knights, Burgeses, Commons, and whole Realme, in a free, and full Parliament*. See *Magna Charta*, 29. 30. Stat. 25 Edw. 1. chap. 5. 6. 34 Edw. 1. *De Talagio non concedendo*, c. 1. 21. Edw. 3. Rot. Parl. nu. 16 35 Edw. 3. c. 8. 36 Edw. 3. Rot. Parl. nu. 26. 45. Edw. 3. Rot. Parl. nu. 42. 11 Hen. 4. Rot. Parl. nu. 10. 1 Rich. 3. c. 2. *The Petition of Right, and Resolutions of both Houses against Loans*, 3 Car. *The Votes and Acts against Ship money, Knighthood, Tonnage, and Poundage*, and the *Star-chamber* this Parliament, 17. 18. Car. agreed to by Mr. *William Hackwel* in his Argument against Impositors. Judge *Hutton*, and *Crook*, in their Arguments; Mr. *Saint Johns* in his Argument and Speech against Ship-money, with others Arguments and Discourses upon that subject. Sir *Edward Cooke* in his 2. Instit. pag. 59, 60. 527. 528. 529. 532. 533. But this Assessment was not so legally imposed, *Ergo*, nor no man else ought to pay it. 1 *This Tax was not imposed by any Parliament; The late Parliament being actually dissolved above two moneths before this pretended Act was passed for imposing it, by the Murder of the King*, as is resolved by the Parliament. 1 Hen. 4. Rot. Parl. nu. 14. Hen. 4. and 1. Hen. 5. Rot. Parl. nu. 26. *Cooke* 4. Institutes, p. 46. 4. Edw. 4. 44 6: *For the King being both the Beginning, End, and Foundation of Parliaments*, (according to *Modus tenendi Parliamentum*; and Sir *Edw. Cook* 4 Instit. p. 3.) which are *Summoned and Constituted onely by his Writ, the Writ is actually abated by his Death*. 1 Edw. 6. c. 7. *Cooke* 7. Rep. 30. 31. *Dyer* 165. 4 Ed. 4. 43. 44. 1 Edw. 5. 1. *Brook* Commission, 19. 21.

It appears by the *writs of Summons to the Lords*, (*Crompt. Jurif. Quære, How* diction of Courts, fol. 1. *Cooke* 4. Instit. p. 9. 101.) and of *Electi- a Parliament* ons, and *leaving their Wages*: That the Parliament was onely *Summoned by* *Parliamentum nostrum*, the Parliament of the King that's *Dead* the Writ of K. Charles I. and called *Parliamentum nostrum ad tractandum nobiscum super arduis negotiis regni nostri*, can be continued one and the same Parl. after the Kings death that called it; and the Monarchy changed into a Commonwealth; formally it cannot be the same, the King the Head thereof being gone. The Lords House and Monarchy being abolished, and the State not the same; materially it cannot be the same, so many of the ancient Members being throwne out, and new ones unduely elected brought in. But there are some pragmaticall Taylors in the House, who can make a garment fit for all fashions of the moon, and a Parl. fit for all changes of the State.

not of his Heires and Successors, they are all summoned to come to his Parliament to advise with him (*nobiscum*, not with his Heires and Successors) of great and weighty affairs concerning, *Nos & Regnum nostrum*, Him and his Kingdom, 5 *Edw.* 3. 6. part 2. *Dors. Claus. Regist.* fol. 192, 200. So the King being dead, and his Writ, and Authority by which they we are Summoned, and the end for which they were called: *Ad Tractandum ibidem nobiscum, super arduis negotiis nos & statum Regni nostri tangentibus*: being thereby absolutely determined without any hope of revivall: The Parliament is determined thereby, especially as to those who have dis-inherited his Heires and Successors, and Voted downe Monarchy it selfe; and the remnant now sitting are no longer Members of Parliament, as al Judges, Iustices of the Peace, Sheriffs, made only by the Kings Writ or Commission, and not by Patent, C:ase, and become void by the Kings death, for this very reason, because they are constituted, *Iustitiarior & Vicecomites nostras ad pacem nostram, & c. custodiendum* The King being dead, his Writs and Commissions expire with him. 4 *Ed.* 4. 43. 44. *Brook. Office and Officer* 25. Commission, 19 21. *Dyer* 195. *Cook* 7 *Rep.* 30, 31. 1 *Ed* 6. c. 7. *Daltons Justice of Peace*, chap. 3. pag. 13. *Lambert*, pag. 71.

Object.

If any object the Act of continuance of this Parliament, 17. *Car.* That this present Parliament shall not be dissolved unless it be by Act of Parliament to be passed for that purpose.

Ans.

It is Answered, That it is a Maxim in Law, that every Statute ought to be expounded according to the intent of those that made it, and the mischiefs it intended only to prevent. 4 *Ed.* 4. 12. 12. *Ed.* 4. 18. 1 *Hen.* 7. 12, 13. *Plowdens Commentaries* fol: 369. c. 4 *Instittutes* pag. 329, 330. Now the intent of the makers of this Act, was not to prevent the Parliaments dissolution by the Kings Death, (no waies intimated in any Clause thereof, although it be a cleere dissolution of it to all intents, not provided for by this Act) but by any Writ, or Proclamation of the Kings by his Regall Power, without the consent of both Houses, which I shall prove by the Arguments following.

1, From the principall occasion of making the said Act. The Commons in their Remonstrance, 15, December 1642. complaine, That the King had dissolved all former Parliaments against approbation of both Houses of Parliament: Wherefore to prevent the

the Dissolution, Prorogation, or Adjournment of this present Parliament by the Kings regall power, after the Scots Army should be disbanded, and before the things mentioned in the Preamble could be effected, was the ground and occasion of this Law: and not any feare of Dissolving the Parliament by the Kings death, Naturall or Violent, which is confessed by the Commons in the said Remonstrance; *Exam. Collect.* pag: 5, 6. 14, 17. compared together; where they affirme, the abrupt dissolution of this Parliament is prevented by another Bill, &c. In the Bill for continuance of this Parliament, there seems to be some restraint of the Royall power in Dissolving of Parliaments; not to take it out of the Crown, but to suspend the execution of it for this time, and occasion onely, which was so necessary for the Kings own security, and the publique peace, that without it we could not have undertaken any of those great Charges, but must have left both Armies to disorder, and confusion, &c.

1. The very title of this Act [an Act to prevent inconveniences which may happen by the untimely Adjourning, Proroguing, or Dissolution of this present Parliament] intimates as much; compared with the body of it, which provides as well against the adjourning, or Proroguing without an Act, as against a dissolution. Now the Parliament cannot be said to be adjourned, or Prorogued untimely by the Kings death, (which never adjourned, or Prorogued any Parliament) but only by his Proclamation, Writ, or Royall Command to the Houses, or their Speaker executed during his life time, See *Parl. Rols.* 6 Ed. 3. 2, Ro. *Parl.* 2. 6, 5 Ric. 2. n. 64, 65. 11 Ric. 2. n. 14, 16, 20. 8 Hen. 4. n. 27. 27 Hen. 6. n. 12. 28 Hen. 6. n. 8. 9. 11. 9 Hen. 6. n. 10, 11. 13 Hen. 6. n. 32, 30, 49. and *Cook.* 4. Instit. p. 25. *Dyer* fol. 203.

3. The Prologue of the Act implies as much, whereas great summes of Money must of necessity be speedily advanced for reliefe of his Majesties Army (not his Heire or Successor) and for supplying other his Majesties (not his Heires, nor Successors) occasions, which cannot be so timely effected, as is requisite, without credit, for raising the said Monies; which Credit cannot be obtained untill such obstacles be first removed, as are occasioned by Feares and Jealousies. That this Parliament may be Adjourned, Prorogued, or Dissolved, before a Justice shall be duly

cuted upon Delinquents (then in being, as Strafford, Canterbury not since made) *Publicke Grievances* (then complained of, as Star-chamber, High Commission, Ship-money, Knight-hood Money, Tonnage, and Poundage, &c.) redressed: *Peace concluded* between the two Nations, *sufficient provisions made for repayment* of the said Monies (not others, since) so to be raised. *All which expressions related only to His late Majesty, as to His acts of Royall Power, not to His Heires and Successors after His Naturall (much lesse) Violent death*, which was not then thought on, but publickly Detested, and Protested against; no Man being so hardy as to mention it for fear of the Law, not then subdued by the Sword; And the severall Principall Scopes of this Act are fully satisfied long before the late Kings death.

4. *It is clear by the Body of this act; And be it declared, &c.* That this present Parliament &c. *Shall not be dissolved, unless it be by act of Parliament to be passed for that purpose; nor shall at any time, or times during this present Parliament, be adjourned or Prorogued, unless it be by Act of Parliament* to be passed for that purpose; and that the House of Peers shall not at any time, or times during this present Parliament, be adjourned, unless it be by themselves, or by their owne Order. And in like manner, That the House of Commons shall not at any time, or times be adjourned, &c. as aforesaid. From whence it is undeniable,

1. *That this Act was onely to prevent untimely Dissolving, Proroguing, and adjourning of that present Parliament then assembled, and no other, by acts of Royall Power.*

2. *That the King was the Principall Estate, and Member, yes, our Sovereign Lord, the sole Declarer, and Enactet of this Law, by assent of the Lords and Commons.*

3. *That neither this Act, nor any other, for Dissolving, Proroguing, or adjourning this Parliament be made without the Kings Royall assent, which the Lords and Commons in their Remonstrance 16. May, 1642. often acknowledge, together with His Negative voice to Bills, exact Collect. p. 69. 70. 71. 6. 709. 722.*

4. *That it was not the Kings intent in passing this Act to shut Himself out of Parliament, or create Members of Parliament without a King, as He professeth. Eliz. BARON. c. 15. Now the Lords and Commons intend to Dismember Him from His parliament.*

ment, and make themselves a Parliament without Him, as their said Remonstrance testifies; and the words of the Act import, much lesse was it their intent to pack a Parliament of forty or fifty Commons only, selected by Colonell Pride, to Vote according to the Dictates of a Councell of Warre, after they had destroyed the King, and House of Peers: Against which transcendent usurpation this very Act provides, That the House of Peers shall not be so much as Adjourned, or Prorogued, but by themselves, or their owne Order.

5. Neither did the King, Lords, and Commons, in passing this Act intend, That by Murdering the King, abolishing the House of Lords, and expelling by power of the Sword eight parts of ten of the Commons, the remaining Faction should constitute themselves, their Heires and Successors, a Perpetuall Parliament, which would Crosse, and Repeale the Act for a Tryenniall Parliament made on the same day in Law. Brook, Parliament 80. Relation 8y. Dyer 85.

It is against the nature, and essence of a parl. to be perpetuall, and against the Liberty of the people.

6. The last Clause of this Act concludes as much, And that all, and every thing, or things whatsoever done, or to be done (to wit, by the King, or His Authority) for the Adjournment, Proroguing, or dissolving of this Parliament, contrary to this present Act, shall be utterly void and of none effect. Now Death of the King, & dissolution of this Parliament thereby cannot properly be stiled a thing done, or to be done by the King, if by those words (things done, or to be done for the dissolving, &c.) they shall say, they related to the Kings Naturall Death: Natural Death is the Act of God, which these Saints cannot make void, if they related to His violent Death, it could not then be said a thing done, or to be done for the unlawfulness, and injustice of it. This Act passed long before any War, or Blood-shed: The onely pretence they have since found out for the Kings Murder.

2. If this Parliament were not Dissolved by the Kings Death, For the House of Peers (formerly Voted) downe by the Commons gave no consent to the passing this Act, entituled, an act of the house of Commons; who, without the concurring Assent of the Lords, and the Kings Royall Assent, have no power to passe any Act Make, or Declare any Law, or impose any Tax, as appears by the fore-recited Acts. The Petition of Right, the Act

for the Triennial Parliament, and this very Act against Dissolving, Proroguing, &c. with all our Printed Statutes, Parliament Rolls, and Law-Books. The Commons being so faire from claiming the sole Legislative Power heretofore, as that they were not Summoned to our Ancient Parliaments, (which consisted onely of King, Lords Temporall and Spirituall) untill 47. Hen. 2. nor had they so much as a House of Commons, or Speaker, untill the Reign of Edward 3. nor never rendred any Acts, or Bills to the King, but Petitions onely of Grievances, untill long after Richard 2. time. See the Printed Prologues to the Stat. 1. 4, 5, 9, 10, 20, 23, 36, 37, 50. Edw. 2. 1 Ric. 2. 1, 2, 4, 5, 7, 9, 11, 13 Hen. 4. 1, 2, 3, 4, 8. 9 Hen. 5. 1, 2, 3, 4, 6, 8, 9, 10, 11, 14, 15, 28, 29, 39 Hen. 6. 1, 4, 7, 8, 12, 17 2 Edw. 4. 1. Ric. 3.

3. But suppose the Commons alone had power to impose Taxes, yet it must be in a full, and free House: whereas, when this Act for 90000l. a Moneth passed, the House was neither Full; nor Free, The Major part of the House (who by Law are the House) to wit, 8. parts of 10. at the least, being secured, or secluded by Col. Pride, and his Souldiers, by confederacy with those 40 or 50 then sitting when this Act passed, and acting the Wills of the Councell of Officers, to the subversion of Parliaments, and the great wrong of those Counties and Burroughs for which they served.

Objection

If it be objected, that by usage of Parliament, 40 Members make a House of Commons.

Answer

1. I Answer, not to all intents and purposes, Not to grant Subsidies, nor passe Laws, or matters of greatest moment, *Modus tenendi Parl. Cooks* 4 Instit. pag. 1, 2, 26, 35, 36. *Cromptons* Jurisd. of Courts, fol. 1, 39 Edw. 3. 7. *Brook*, Parl. 27. 1 Jac. c. 1.

2. 40 Members make not a House, when therest are excluded by force without dores, and fraud of their fellow Members within dores, on purpose, that (being the Major number) they may not over-vote them. The Commons not having power to expell any of their Members, without consent of King and Lords, in whom only the judicial power resides, *Paribus in Pares non est Potestas*, *Clauſ. Douſ.* 7 Ric. 2, M. 27, *Seldens* Title of Honour, page 737. Baron *Camoyes* case discharged by the Kings Writ, and Judgment, from serving amongst the Commons, because a

Peere

Peeres of the Realm : The Practice for Members to Expell and Sequester their Fellow-Members, being a late dangerous innovation, to pick a Faction, conventicle instead of a Parliament.

If the King should send forth no more Writs then would Summon 40 or 50 Commons, it were no House.

Added by the
Abridger.

So Mr. *Pryn* concludes ; that if he should voluntarily submit to pay this Tax, by virtue of the said pretended Act of Parliament, Dated 7 April, 1649. made by those now sitting, (some of whose Elections have been voted void, others of them Elected by new illegall Writs, under a new kind of Seale, since the Kings Beheading ; as the Earle of *Pembroke*, & Lord *Edward Howard* uncapable of being Knights, or Burgesses by the Common Law, because Peeres of the Realme, as was adjudged in the Lord *Camoyes* case, *Clauſ. Dorſ. 7 Ric. 2 M. 32* and asserted by Master *Seldens* Titles of Honour, part 2. chap. 5. page 735. Seconded by *Cooks* 4 Instit. page 1:4-5. 46. 47:47.) as he should admit those to be Lawfull Members, so he should assent to *ex post facto* some particulars against his knowledge, and against the Oathes of Allegiance, Supremacy, protestation, Solemne League and Covenant, taken in the presence of God, with a sincere heart, and reall intention to performe the same ; and persevere therein all the dayes of his life without suffering himselfe directly, or indirectly, by whatsoever combination, Perswasion or Terror to be withdrawn therefrom. As for example he should thereby acknowledge, contrary to his knowledge, and the said Oathes and Covenant.

1. That there may be, and now is a Lawfull Parliament of England, actually in being, and legally continuing after the Kings Death, consisting only of a few late Members of the Commons House, without either King, Lords, or most of their fellow Members.

2. That this Parliament sitting under a force, (and so unduly Constituted, and packed by power of an Army combining with them) hath just and lawfull Authority.

3. To Violate the priviledges, rights, freedoms, customes, and alter the Constitution of our Parliaments themselves.

4. To Imprison, Seclude, and Expell most of their fellow

Members (the farre Major part of the House) for Voting according to their Consciences, (in favour of Peace, and settlement of the Common-wealth.)

3 To Repeal all Votes, Ordinances, and acts of Parliaments they please.

4. To Erect new Arbitrary Courts of Warre and Justice,

5. To Arraigne, Condemne, and Execute the King himself, with the Peeres, and Commons of this Realm, by a new kind of Martiall Law, contrary to *Magna Charta*, The *Petition of Right*, 3. Car. and the known Lawes of the Land.

6 To Disinherit the Kings Posterity of the Crown.

7 To extirpate Monarchy, and the whole House of Peers:

8. To Change and Subvert the Ancient Government, Seales, Laws, Writs, Legall proceedings, Courts, and Coyne of the Kingdome.

9, To Sell and Dispose of all the Lands, Revenues, Jewels, Goods of the Crowne, with the lands of Deanes and Chapters, (for their own advantage, not the easing of the People from Taxes)

10 To absolve themselves (by a Papall kind of power) and all the Subjects of England and Ireland, from all the Oaths and Engagements they have made to the Kings Majesty, His Heires and Successours; yea, from the very Oath of Allegiance, notwithstanding this expresse Clause in it (fit to be laid to Heart by all Conscientious Christians) *I doe believe, and in Conscience am resolved, that neither the Pope, nor any person whatsoever, hath power to absolve me of this Oath, or any part thereof, which I acknowledge by good and full authority to be lawfully Ministred to me; and do renounce all Pardons, and dispensations to the contrary.*

11, To dispence with our Protestation and Covenant so Zealously enjoyned by both Houses on all sorts of People.

12 To Dispose of: the Forts, Ships, Forces, Offices, and places of Honour, Power, Trust, or proffit, to whom they please, (to their own party.)

13. To Displace, and Remove whom they please from their Offices, Trusts, pensions, Callings and Franchises at their pleasures, without any legall cause, or Tryall.

14. To make what New Acts, Lawes, and Reverse what Old

ones they think meet, to answer and enthrall our Consciences, Estates, Liberties, and Lives.

15. To create new monstrous Treasons never heard of before; and to declare Reall Treasons against the King, Kingdom, and Parliament to be no Treasons; and Loyalty, Allegiance, due obedience to our known Lawes, and a Conscientious observing our Outhes of Allegiance and Supremacy, and the Covenant, to be no lesse then High Treason: for which they may take away our Lives, and confiscate our Estates to their new Exchequer. Thereby at once repealing *Magna Charta*, c. 29. 5 *Edw.* 3. c. 6, 25, *Edw.* 3, c. 4. 28 *Edw.* 3, c. 3. 37 *Edw.* 3. c. 18. 42 *Edw.* 3. c. 35 *Edw.* 3, c. 2. 11 *Rich.* 2. c. 4. 1 *Hen.* 4. c. 10. 2 *Hen.* 4. Rot. Parl. 11, n. 60. 1 *Edw.* c. 12. 1. *M. c.* 1. The Petition of Right, 3 *Car.* So much commended this Parliament, and laying all our Laws, liberties, Estates, and lives waste, after they have drawne so much Bloud and Treasure from us, in defence of them.

16. To raise, and keep up what forces by Land and Sea they please, and impose what taxes they please, and renew, increase, and perpetuate them to support their more then Regall or Parliamentary power.

17. To pack, and stuffe themselves into a Councell of Lords, States General (without any provincially States) 40 *Hogens* *Mogens*, with Supreme, Regall, and arbitrary power, in absence of Parliaments which are abolished by these Vsurpations as well as Monarchy.

This 17. is added by the A. bridge.

4. The principall ends proposed in the pretended Act for imposing this 90000 l. a moneths Tax, oblige all men notto pay it; viz. The keeping up this Army under the Lord Fairfax.

1. Because this Army, by Rebelling against their Masters, the Parliament, and waging Warre upon them: and by conspiring with their own party of the sitting Commons, have occasioned all the Mischiefes last mentioned, to the ruine of King, Parliament and Kingdome, Religion, Lawes. Liberty, and Property; and daily threaten an utter dissolution, both in their Deeds, and VVords. Both Officers and Souldiers Boasting, That the whole Kingdome, and all we have is theirs by Conquest; That we are but their Conquered Slaves and Vassals, and they Lords of the Kingdome. That our Lives are at their Mercy and Quarter; That when they have gotten

Costen all we have from us by Taxes and free quarter, they will seize our Lands, and turne us, and our Families out of Doors: That there is no Law in England but the Sword, (as Hugh Peters the Rebels Apostle saith) The present Power must be obeyed, (saith pharasaicall John Goodwin) that is the power of the Sword still.

More hath
been raised by
Taxes these
last 8 years,
then in all the
King Raignes
since the Con-
quest and no
account given.

2. *No Tax ought to be imposed but upon necessity, for good of the People, 25. Edw. 1. chap. 6. Cook 2 Instit. page 528. But the keeping up the Army is the bane of the People.*

1. Because they are already exhaulted with War, Plunder, Taxes, Free-quarter, &c.

2. Because the Souldiers have decayed trade, and brought a Dearth upon the Land.

3. This Tax of 90000l. a Moneth destroyed Trade, by forestalling, and Engrossing most of the Money now left in the Kingdom.

4. There is no enemy in the Kingdom visible, nor no fear of any, if we will believe our Grantees.

5. When the King had two Armies in the field, and many Garrisons, this whole Army consisted but of 22000 men, and had an established pay but of 45000l. a Moneth. See *Ordinances. 13. Feb. 1644. and 6 April 1646. Exact Collect.* page 599. 876. But when the Army (by confederacy with their party in the House) took the boldnesse to increase their number without order, 60000l. a Moneth was thought abundantly sufficient to pay the Army, and take off free-quarter: and why this Tax should now be raised to 90000l. a moneth, when sundry Regiments of it are Assigned for *Ireland*, and yet Free-quarter Continued, is a mystery of Iniquity which fills the Saints Pockets with Money, and all the World with Wonder.

6. The Counties Militia (so much contended for with the King) would better defend the Kingdome from Forraigne invasions then a mercenary Army. Therefore this is neither a necessity, nor publique utility in keeping up this army, or raising taxes to maintaine them, or pay their pretended Arrears. The Free-quarter they have taken in hand, and heaved in money, will trebble their Arrears, and make them much indebted to the Country. Thus farre (and much farther) Master Pryn, whose whole

whole booke at Large I Commend to all mens serious perusall.

The Marquesse of Ormonds happy atchievements in Ireland beginning to looke formidably, had cooled the heat of King *Olivers* courage (though not of his Liver) insomuch that he and his intimate Friends began to project how (without losse of reputation) to take him off from so desperate an engagement, as (at that time) that seemed to be: unnecessary delays were used in Shipping his men. *Hasturidge* and his party reported great terrours from Scotland. *Oliver* and his Bloud-hounds of the faction made a shift to smell out a silly plot in *Dorset-shire* for surprisall of *Waymouth* and *Portland* for the King: now laughed at, and exploded by their owne Newes-bookes. And the tender conscienced Brethren were prompted to apprehend their owne dangers, and put into a Petitioning posture: *That such a worthy of Israel, such a chosen instrument of Gods Mercy, might not in a time of danger leave the Land of his Nativity, the habitation of the Saints, to seeke Foreign adventures in a Heathen Land: whilst these preparations were making to withdraw Olivers stake, he appeared not openly in them, but making more shew of the Lyons skin then the Foxes, had written to Col. Jones how hearlesse his Souldiers were, and that unlesse Jones did by some successfull Sally lessen their terrour, he should not be able to get them on ship board. This was (like the Monkey) to rake Chesse-nuts out of the fire with the Cats foot, to take a presage of his own success at Col. Jones hazard. Jones makes an attempt with better luck then he expected, though not with halfe so good success as was reported. Saturday, 12 August, when the news first came to Towne, (the Lion is not so terrible as he is painted) it is a peculiar priviledge of the Saints to lie (without sinne, or at least, without imputation of sinne) for the good cause either in *Re* or in *modo Re*; in the matter, or manner, in the thing, or the extent thereof: yet this success was enough to invite *Cromwell* over to pursue the Victory, and partake of the spoils if not to usurpe the whole Honour of the atchievement to himselfe, by his accustomed speciall prerogative. So upon the 16 or 17 of August, King *Nol* set sayle towards his new Principality, carrying (contrary to the custome of the Sea) his Lanthorne in his Prowe, not in his poope: where wee will leave him for the present to his adventures.*

204
Cromwell sets
sayle for Ire-
land.

208.
The Association
between Owen
Roë O'neale and Col.
Monke. See the
Paper at large.

I have formerly hinted to you the Agreement made between Colonel *Monke*, in behalfe of the Parliament of England; and *Owen Roë O'neale*, the massacring Irish Rebels: I have now occasion to speake more at large of it, and examine the truth of a Paper, called *[The true state of the Transactions of Colonel George Monke with Owen Roë O'neale, as it was reported to the Parliament by the Council of State, &c.]* Printed by *Edward Burbidge*, 15. August 1649. The said Agreement made between the Antimonarchicall Independent Party in Ireland, and the massacring Antimonarchicall Popish Party under *Owen Roë O'neale* (being a meer conspiracy to root out Monarchy and Protestantcy: first, in Ireland, and then in England: and a second crucifying of Christ in his Members between two Thieves, the Schismaticke and the Papist) was so generally abhorred by the English Souldiers, that many there took occasion to forsake the English Parliament; and many here disbanded rather than they would accompany *Cromwell* in so wicked an expedition. Wherefore *Cromwell* writ Letters to his Creatures of the Council of State by *Monke* himself, complaining how much the miscarriage of that Agreement had retarded his said Voyage; desiring them (for satisfaction of the Souldiers and people) to Treat with *Monke* to take the whole business upon himselfe, and to clear the Council of State, the Parliament, and *Cromwell* himselfe, from having any hand at all in it, which upon Terms of safety and advantage (he said) he already found him inclinable to doe. The better to carry on the scene, this Agreement was with much heat of zeale complained of in the apocryphall House of Commons, by a Brother who had his cue beforehand, and by the Juncto was referred to the Council of State as was foretold, where their High and Mightinesses (after some private conference with *Monke* to accommodate the business) voted their dislike of it. *Bradshaw* reprehending *Monke* in jest therefore. And at last they Ordered, *That the whole business, with Monke Reasons for his justification should be reported by Thomas Scot to the House of Commons*: which was accordingly done. Upon Friday, 10. August, *Monke* was called in to the Baile, where (amongst other things) the Speaker asked him, *What Persons he meant in his Letter to the L. Lieutenant of Ireland; wherein he saith, He made the Agreement with O'neale with the advice of*

Scot having studied the poetiques in a Brewers tally, is become a great Statesman in our new Babel. See the said paper, *The true state, &c.*

some

Members? Monk answered, that he did it upon his own score, without advice of any other Person; only having discourse with Cal. Jones! Jones told him, if he could keep Owen Roe and Ormond from joyning, it would be a good service. This Answer (such as it is) was taken for Satisfactory in so Comick an Interlude. The next demand was, *Whether he had any advice or Directions from the Parliament, Council of State, Lord Lieutenant of Ireland, or any other Person here to do the same?* which he did expressly deny, saying, he did it upon his owne score. Hereupon the House voted as followeth:

Resolved, &c. That this House doth utterly disapprove of the proceedings of Col. Monk in the Treaty and Cessation (as they please to call it) made between him and Owen Roe Oneale, and that this House doth detest the thoughts of any closing with any party of papist Rebels there who have had their hands in shedding English blood. Nevertheless the House being satisfied that what the said Col. Monk did therein, was, in his apprehension necessary for the preservation of the Parliament of Englands Interest: That the House is content the farther consideration thereof; as to him, be laid aside, & shall not at any time hereafter be called in question. So exit Monk, and the play was done: wherein take notice of these following Observations:

1. The armies Doctrine, and use of pretended necessity and good intentions to justify evil actions; approved of by this example of the Parliament (as they will be called.)

2. This Agreement (though it were at least twelve Weeks ago publicly knowne in England; and divulged in their own Licensed Newes bookes) was never scrupled untill now. That the said Agreement was expired, 3. That Oneale was so beaten by the Lord Inchiquine, that he is (as their owne Newes-books say) inconsiderable, and must suddenly joyne with the Marquess of Ormond, or be destroyed.

3. That these Votes call this Agreement but a *Treaty & Cessation of Arms*; which (I assure) to be a League Defensiv and Offensive against Ormond, Inchiquine, and all other who shall oppose them. Let me not seem over bold in maintaining a different opinion, since Parliaments are no more infallible than Popes; and all humane opinions are equally unlesse Reason make the difference. I hope we have not lost our Reason with our Lawes and Liberties, nor the exercise and use of it.

See the Answer of the Council of Officers to the Parliaments demand concerning their secured Members: And their Answer thereto.

uphold Monarchy (if not Proceftancy too) for thefe Reasons: 1. Article fecond faith, *that upon all occafions both Parties be ready with their forces to affift one another untill a more abfolute Agreement be made and confidered unto by the Parliament of England.* This is beyond a Ceffation. 2. Article third, faith, *That the Creaghts of Vlfter refiding within the quarters of Col. Monke, fhall pay Contribution to Generall Owen Oneale.* This is a Conceffion of a great latitude farre beyond the authority of any fubordinate Commander or Generall, and againft the Lawes and Liberties of the Land to grant Taxes. It fhould feeme by this, that Oneale and his Army were become Mercenaries, taken into pay by Monke. 3. Article fourth, faith, *That if Generall Owen Oneale fhall happen to fight againft the Forces under the command of the Marq: of Ormond, the Lord Inchiquine, or any other enemies of the Parliament of England, and thereby fpend his Ammunition, if he be neere unto my Quarters, and be diftrefled for want of Ammunition, I fhall then furnifh him.* This was actually performed when My Lord Inchiquine Belieged Dundalke. I make the fame interpretation of this Article that I have made of the third. 4. The fifth Article alloweth to Oneale the ufe of any Harbours within Colonell Monkes liberty; which likewife is to much for a bare Ceffation or Truce.

4. Who can believe that any Subordinate Officer commissioned to profecute a War againft Owen Roe and the reft in Armes in that Kingdom, fhould dare to Treat and conclude an Agreement and conjunction with that very enemy he had Commiffion to fight againft without the knowledge or directions (publique or private) of thofe from or under whom he hath his Authority; and fhould be fo bold when he had done to come over and juftifie his faid doings; notwithstanding they proved unprofperous: Col. Monke being fo much a Souldier as to know, *That (all the world over) to exceed the bounds of his Commiffion (much more to act againft his Commiffion, as in this cafe) is affured death without mercy, both by law Martiall, (without which Military difciplin will perift) and by the Lawes of our Land.*

5. Wherefore was Sir John Winter and Sir Kenelm Digby fent for over? (as was foretold by an intercepted Letter, where-

See the faid Letter, printed at the latter end of a Relation of the securing and feculing of the Members by the Army.

Part II : *The History of Independency.*

of I have formerly spoken) and *O Really* the Popes Irish Agent, and another Agent from *Owen Roe O Neale* privately entertained in England (as I have formerly hinted) but to drive on Treaties and Associations of this nature? inasmuch that long since it was whispered amongst *Cromwells* party in England (to uphold their Spirits) *That upon his shewing himselfe in Arms in Ireland, Ormonds Catholique Irish party would all forsake him and go over to O Neale, who maintained the Popes Interest in that Kingdom.*

The aforelaid Paper printed by Authority, and tiled, *The true State of the transactions*, &c. besides the said *Articles of Cessation*, set forth down other Articles, called,

Nota.

The Propositions of Generall *Owen O Neale*, the Lords, Gentry, and Commons of the confederate Catholiques of *W LSTER* To the most High and most Honourable, the PARLIAMENT of *ENGLAND*.

1. *Inprimis*, That such as are already joyned, or shall within the space of three Moneths joyne with Generall *Owen O Neale*, in the service of the Parliament of England, in this Kingdome, as well Clergy as others, may have all Lawes and Penalties against their Religion and its professors, taken off by act of Parliament, and that Act to extend to the said Parties, their Heires and Successors for ever, while they Loyally serve the Parliament of England.

[within the space of three Months] is not in the said Copie printed at Cork. O Neale

2. The said Generall *O Neale* desires an Act of Oblivion to be passed, to extend to all and every of his party, for all things done since the beginning of the yeare, 1641.

3. They desire that Gen. *Owen O Neale* be provided with a competent Command in the Army befitting his worth and quality.

4. They desire that they may enjoy all the Lands that were, or ought to be in their, or their Ancestors possession.

5. That all incapacity, inability, & distrust hitherto by Act of State, or otherwise, against the said Party, be taken off.

6. That on both sides all Jealousies, Hate and Aversion, be laid aside: Unity, Love and Amity, be renewed and practised between both parties.

7. That Generall *Owen O Neale* may be restored and put in possession

Anteſtors not
Successors : a
fault of the
printers.

possession of his Successors Estates, or some other equivalents laid in the Counties of Tyrone, Armagh, or Londonderry, in regard of his merit, and the good service that he shall perform in the Parliaments of England's Service, in the preservation of their interest in this Kingdome.

8. That the Army belonging to General Owen O Neale and his Party be provided for, in all paym^{ts} as the rest of the Army shall be.

9. That the said Party be provided with, and possessed of a convenient Sea-port in the Province of Ulster.

I doe, upon receiving a confirmation of these Propositions, forthwith undertake and promise in behalfe of my selfe, and the whole party under my Command, faithfully and firmly adhere to the service of the Parliament of England in this Kingdome, and maintaine their Interest hereafter, with the hazard of our lives and fortunes :

In witness whereof, I have hereunto put my hand
and Seale this 8 day of May, Anno Dom. 1649.
Signed Owen O Neale

The Story of
the further tra-
sactions be-
tween O Neale
& Monke con-
tinued and en-
larged out of
the Propositi-
ons printed at
Corke.

Thus farre the said Paper, tiled, [*The true State &c.*] goes on with the Relation of the said Treaty and Agreement, but conceales what further Transactions passed betweene Monke and O Neale upon the last recited Propositions. Wherefore I shall be hold to continue the Story out of a Paper entituled, [*The Propositions of Owen Roe O Neale sent to Col. Monke, and a Confession for three Months concluded between them. Together with a Letter thereupon sent by a Gentleman at Dundalk, to his Friend at Corke. Printed at Corke, 1649.*] The last recited propositions were sent to Monke, 25. day of April 1649. who perused them, and made some inconsiderable alterations in them, as appears by Monke's Letter of answer thereupon to Owen O Neale dated from Dundalk 26. April, 1649. as I find it in the said Paper printed at Corke, in these words:

SIR,

I Have received yours of the 25. Apr. & I have seen your Order given to Capt. Hugh Mac Patrickke Mac Mahon, to Treat and Conclude

a Peace with me in the behalf of your selfe and the Parson under your Command. I have perused your Propositions, and considering there are some particulars in them which at first view the Parliament of England may scruple to grant, I have made a small alteration in some of them, being well assured, by it, you will not receive the least disadvantage, but it will rather prove a means to begot an increase of their good opinion towards you and your Party: which I believe your reality, fidelity, and action in their Service will sufficiently merit, and in case you approve of them, as I have revised and altered them, I desire you to send them to me Signed and Sealed by you, that I may present them to the Parliament of England, you obtain their favourable Answer in return of them: And in the mean time I desire that according to this inclosed Paper three Months cessation between us be countscended upon, and inviolably kept between our Forces during the same time.

Dundalke 26. April, 1649.

George Monke.

1. Colonel Monke in his said Letter to O Neale, 26. April, answered him: 1. That he had perused his Propositions, and considering there are some Particulars which at first view the Parliament of England may scruple to grant, &c. A gentle Phrase to nourish hopes in O Neale even of obtaining all his Demands (if need be) upon debate and deliberation, though not at first view. That he hath made a small alteration in some of them (I confesse very small) being well assured he should not receive the least disadvantage by it, &c. From whom had Monke this Assurance, unless from those Men by whose Authority and Directions (private or publique) he presumed to Treat with that Enemy he was Commissioned to fight with, and whose Names he doth conceal. This is (yeilding to Monke amendments) would rather prove a means to begot an increase of their (the Parliaments) good opinion of Owen Roe O Neale and his party &c. It should seem then the Parliament had entertained a good opinion of O Neale and his Party before hand; for every thing must have a being, before it can have an increase of being. In case you approve of them (the amended Articles) I desire you to send them to me Signed and Sealed by you, that I may present them to the Parliament of England to obtain their favourable Answer in returne of them &c. You see all Monke

1 Observations
upon Monke's
Letter.

did.

did was in reference to the Parliaments ratification: and therefore reason tells us the Parliament was originally privy to the Treaty: It is not likely *Monke* should Treat upon his own Head, and abruptly send the result of the Treaty to be confirmed by the Parliament without any warning foregoing to prepare them.

2 Observations upon the Propositions a-
mended, See the said Paper printed at Cork, especially *Monkes* Letter.

O Neale sent his Letter and Propositions to *Monke*, Dated 25. April 1649. *Monke* answered his Letter and corrected *O Neales* Propositions the day after, being the 26 April.

And the last mentioned Propositions of Gen: *Owen O Neale*, the Lords, Gentry and Commons of the Confederate Catholics of *Ulster &c*, as well as the first mentioned Articles for 3 months Cessation, &c, bears date 8 May, 1649. which I conceive to be the date given them when they were ratified by the Parliament, or Council of State, See the said Paper, [*The true state of the Transactions, &c.*] Then follows.

A second Copie of *Owen Roe O Neales* Propositions as they were Corrected by Col *Monke*, and sent to *Oneale* to be subscribed: and then sent by *Monke* to the Parliament to be granted: as followeth verbatim.

1. *Inprimis*. That such as shall joyne with General *O Neale* in the service of the Parliament of England in this Kingdom, may have Liberty of Conscience for themselves and their issue.

2. The said General *O Neale* desireth an Act of Oblivion be passed, to extend to all and every of his party for all things done since the beginning of the year 1641.

3. They desire that General *O Neale* be provided for a competent Command in the Army besitting his worth, Place and Quality.

4. They desire they may enjoy all those Lands that were in their possession at the beginning of this War for themselves and their Heires during their fidelity to the interest of England.

5. That all incapacity, inability and distrust hitherto by Act of State, or otherwise, against the said party, be taken off.

6. That on both sides all Jealousies, Hate and Aversion be laid aside; unity, love, and amity, renewed and practised between both parties.

7 That

7. That Generall O Neale may be restored and put into possession of his ancestors Estate, or some other Estate equivalent to it, in regard of his merits, and the good service that he shall performe in the Parliament of Englands Service in the preservation of their interest in this Kingdome.

8. That the Army belonging to the Generall O Neale and His Party be provided for in all poynts as the rest of the army shall be.

9. That the said Party be provided with, and possessed of a convenient Sea-port in the Province of Ulster.

And I doe, upon receiving a confirmation of those desires under take and promise in the behalfe of my selfe and the whole Party under my command, faithfully and firmly adhere to the Parliament of Englands service in this Kingdome, and to maintaine their interest hereafter with the hazard of our Lives and Estates against all appollers whatsoever.

See the Date
in the true state
of Transactions
&c. it seems to
be 8 May, 1649

¶ Given under my Hand and Seale.

In the said paper, printed at Corke, is also contained, [A Letter from a Gentleman in Dundalke, dated 20 May, 1649.] which take here *verbatim*; that you may see what opinion Men there (upon the place) had of that business.

To my Worthy Friend,

at Corke in Munster.

SIR,

YOU may wonder my Obligations being so great towards you, that my returnes of acknowledgment should be so seldom as they have been, but you must know there is no defect in my desires to be at your eares often; tis only the preservation of my Liberty and safety in these parts that makes me forbear the frequency of such intercourses. I am confident these Letters, this Messenger, and the inclosed papers, which I here send you, (containing a true Copie of the Propositions and Letters of agreement between Owen Roe O Neale, and Colonell George Monke) will be able to give you some account of the passages in these parts, and will make you assured that I do not forget the respect I owe unto you.

I must confesse to you that (as you ever conceived I never could imagin that the Parliament proceedings would have advanced to so

high a degree of Rage and Wickedness, as I see they are now come to, and are resolved to act by : but being amazed at the **KING'S** Murder, and seeing the Gangrene doth so cruelly spread, I will impart to you my resolution, That I am resolved to get into your party with the first conveniency, and adhere to you there, whose actions are more conducing to the preservation of our Religion, Law, and Common Interest, then any where else, that I can find. But that this my so sudden resolution may not be conceived the fruit of some vaine fears, miscarriage in my self, or light desires to abandon my former principles ; I shall give you a right understanding of all the motions and passages of my soule, since I was acquainted with this late Treaty between Col. *Monk*, and *Owen Row O Neale*, that thereby you may judge of the ground of these my Designs and designs, and my resolutions taken thereupon.

And before I consider the particulars of the Treaty, the thing it self is so odious unto me, that if they could have made the best bargain to be imagined for the English Safety, the manner of it would have appeared to me very unfavoury.

For although it cannot be denied that almost the whole Irish party (in regard of their Confederacies, and Combinations) have not been innocent in all particulars of that vast Ocean of English blood that hath been shed ; yet it is most clear that the Plotters and Contrivers of this Treason, and the unnaturall and butcherly Executioners thereof, are that Party principally, which are now headed by *Owen O Neale* ; for, although many of the pale, with others of *Conaught*, *Leinster*, and *Munster* entertained the Design, when they saw it was so far spread, and the English so much weakened in their Persons and Possessions, yet it cannot be denied but this Kingdom had still many moderate-minded Men, that loathed their country mens barbarity, and could never be drawn to adhere to their party in their least consent.

Now for the Parliament Agents, to gather up these Men (and these openly) that have been drunk with the Blood of their Brethren, and to furnish them with Armes, Councils, and conjunction of Forces, that thereby they may preserve to themselves the Triumphs of their Cruelty and Treachery, and to lap them up in their reflections with promises of reward, if they will persevere to act with them the ruine of the **KING** and **Monarchy**, the destruction of the remnant of the

the English Protestants, and the ancient Irish who have now declared their Loyalty, and submitted to, and consecrated with them, are things that I much loathe, and can no way embrace.

Besides, if you consider the passages of the Treaty, you will easily be drawn (I suppose) to cast away your former entertained scruples, and not condemn me for being out of love with mine.

1. For first. The Title to *Owen Roe's* Propositions excludes all other of his Nation but such as will joyn with him, though they be farre more capable of Peace and Pardon than Himselfe, or His Party.

2. He and his Party who in a late Paper of theirs, styled the Parliament of *England*. *Monstrousum Parliamentum*, (the monstrous Parliament) when (as then) it had not be-smeared it self with Royal, Sacred, and Noble Blood, as since it hath done: yet now where he sees them act like himselfe, he hath taught his tongue to quaver, and calls them, *The most Honourable and potent Parliament*; when all Honour is persecuted by them, and no power exercised by them but brutish violence, and extreme tyranny.

3. In the second Proposition: That an Act of Oblivion be passed to extend to all and every of *Owen O, Neales* Party for all things done since the Yeare, 1641. You shall find that *Monke* approves of it totally, without the least reserve of punishment to any the most bloody Ploeters and Murderers whatsoever that are in that Crew, which makes me more in love with my Lord of *Ormonds* peace than I was before.

4. 'Tis proponded by *Owen Roe*, and approved by *Monk*, That he shall have a Sea-port to himselfe, to make use of, for the perfecting of his designs, when (as we hear) the least Traffick will not be allowed to you in *Munster*.

5. Although Col. *Monk* doe a little pare his Propositions concerning the Repealing of Statutes against Roman Catholiques since *Hen. 8.* lest he should offend the People: And though he doe not absolutely undertake to grant him all his Ancestors Lands (which when he is once styled *O Neale* he wil challenge to be the six escheated Counties) yet by *Monks* Letter he is assured, that he shall not receive the least disadvantage thereby. All which directions, Counsels, and assurances, (I am confident) Col. *Monk* would not have used towards him, if he had not had a Parliament foundation to warrant it.

Thus you see these men who lately were utter Enemies, have confederated together to ruine Monarchy and the Protestant Religion, moerely to raise themselves, and support their own Faction: They will not here allow the *K I N G* to make use of his own Subjects to revenge his Fathers Blood, to Re-inthroned himselfe, to Re-establish Religion and the Lawes, and the just Liberties, and yet they allow themselves a latitude of calling in any party, though the most bloody and inhumane, to assist them, in the carrying on their wicked designs.

We have seen Colonel *Jones* his Letter, censuring the Lord of *Ormond* for joyning the Irish to his party (though the best and least culpable of them) and yet the same Jones (whose head and hand is in this Treaty and Conclusion) thinks it allowable in himselfe to close with the worst, and that upon his own terms. And though Colonell *Monkes* hypocrisy (in correcting *Owen O Neales* seven Articles) will not allow that Unity and Amity shall be publickly proclaimed between them : yet he is willing it shall be practised, and they shall mutually assist one another against all opposers whatsoever, that is, the *K I N G*, and all in Authority under Him.

The consideration of these things hath left such an impression upon my Soule, that I am resolved to make speede to you, no way desiring to live under their commands, whose actions increase in horror, and beget new afflictions to all honest English hearts. So praying you to forbear further writing to me because I meane speedily to see you, I Rest,

Dundalke, May, 20.

Your assured Friend
and Servant.

1649.

Upon which Propositions so corrected by *Monke*, and the close carriage of this businesse, I shall trouble my Reader with these following observations.

1. *Article.* You see the Counterfeit, Alchymy Saints, are content to joyne covertly with Massacking, Irish papists, to carry on their Antimonarchicall designs: and to make a false Religion and corrupt worship of God the Wages and Hyre of Righteousnesse.

2. *Article.* You see those men that are so bloodily zealous to bring

bring Protestant Delinquents (nay , the King Himfelfe , under the notion of the *Grand Delinquent* , the *Man of Blood*) to punishment , and pretend themselves engaged by Oath fo to doe , can difpente with the Maffacre of two hundred thoufand Englifh Proteftants barbaroufly and inhumanely flaughtered in *Ireland* in time of full Peace; and can grant an Act of Oblivion to whole Armies of their Murderers , thereby at once making their Antimonarchicall intereft the price for which they fell the innocent blood of their Brethren, and defrauding the Irifh adventurers of that Money which the Parliament perfwaded them to lay forth to purchafe Rebels *Land in Ireland* , for which they have an Act of this Seflion of Parliament.

The like may be faid of the 4. and 7. Articles, whereby Rebels attainted and convicted are reftored to their confifcated Land; and the Englifh Proteftant planters that purchafed them of the Crowne, are expelled out of their Inheritance : what is this but a defigne to root out Proteftancy as well as Monarchy ?

5. Article. Taketh of all Incapacity, Inability, and diftrift from *O Neale* and his party at that very time when with much counterfeited zeale they pretend great feverity againft the Englifh Papifts; and thinke becaufe they are not fo very Rebels as the Schismatics.

According to their ufuall custome, to accufe other Men of their owne crimes; they charged King *CHARLES* the Firft, (upon flight fufmifes) with complying with the *Bloody Irifh Papifts*; and doe themselves actually combine with them to roote out Monarchy and Proteftancy, giving them a tolleration of their Religion, and the poffeffion of the Englifh Proteftants Eftates for their *Hyre*.

And it now appears by Letters newly come to *London*, the 24. Auguft, (notwithstanding the faid Votes of the Commons againft all affociations with the *Irifh Murderers*) that *Sir Charles Coote*, and *O Neale*, are affociated; and that the *Siege* from *Londonderry* was raifed by *O Neales* helpe; which plainly proves, that the Treaty and conjunction was not only between *Manke* and *O Neale*; but between *O Neale* and the Parliament, or Councell of State; and that the faid Propositions fo altered by *Manke* are confirmed by the Parliament, or Councell of State; and do ftill ferve for a

foundation for *O Neale* to assist the Parliament upon, who have turned out *O Neale* at the fore dore (to gull the People) and taken him in againe at the back dore.

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Cromwells soldiers desert him at *Milford-haven*; and upon his complaint his House of Commons vote their Debentures void:

Many of *K. Oliver's* Officers and Souldiers, abhorring the said Association with *O Neale*, deserted him at *Milford-haven* (as I have related) and came to *London*, whither they were pursued at the heels by a Letter from his *Mushrome Majesty*, directed to his Vice-Royes at *Westminster*, willing his Parliament (that since (to encourage the Souldiers to undertake the *Irish* expedition only) their Accounts had been Audited, and Debentures granted for their Arrears) they should recall and null their said Debentures: In obedience to which Command, a thing like an Act of Parliament is drawne up, and order taken that the Commissioners that attend *Cromwell* into *Ireland* should certifye the Names of them all to the Parliament, that they may be punished in purse, for not prostituting their Consciences; and shedding more innocent blood, with an implicate faith and blind obedience to *K. Oliver's* unquestionable commands, in maintenance of usurpation and lawlesse tyranny. The rest of the Army may see, by this precedent, they may as well hope to recover a damned Soule out of Hell, as their Arrears out of this Bottomlesse Gulph, the New State: (notwithstanding all their faite promises, Orders, weather-cock Acts, and Debentures; which are all written in Washt-paper, and as changeable as Tickets and Securities for the *Publique Faith*.) It being their constant resolution and best policy to feed them (from time to time) with vaine hopes, and a little spending mony (for which they are never the better) now a bit of mony, and then a bob of *Martiall Law*; and alwaies to promise, never to pay their Arrears; thereby to keep them together from Disbanding, and going to their owne homes and callings; whilst the Councell of Officers (who onely are accounted the rationall part of the Army) receive duely their full pay, and whatsoever else they can sharke from the private Souldiers, (who are looked upon but as the *Brutish* part of the Army) in whom it is become a capitall Crime to question whether their Superiours deale justly with them or no? as it proved to *Lockyer*. The Common Souldiers, as well as the Common People, paying for the Ryot of their Colonels and Superior Officers (who Lord it in their guilt
Coaches

Coches, rich Apparell, costly Feastings, (though some of them lead Dray-horses, wore Leather pelts, and were never able to name their owne Fathers or Mothers.) 1. and for the Lands they purchase too; yet the Officers have one device more to keep the Souldiers together, which is, They make them believe they are so generally hated they cannot with safety Disband and goe home; whereas it is the Superiours only that are looked upon with hatred as the Authors of Tyranny and Oppression: The Private Souldier being esteemed but their Instruments, and such as (in their kind and way) are Sufferers under the hand of oppression, as well as other men; many Souldiers have been purged out of the Army; others have voluntarily quitted the Army and returned to their callings, without being endangered or injured after their retirement, which shewes this objection is but a Scarcrow.

For the cleare manifestation of the Association between O Neale and the Parliament, there are lately come to the Council of State two Letters out of Connaught from Sir Charles Coote, one Dated the 14. the other the 15. of August, 1649. informing them with how much zeal to the Parliaments interest Owen O Neale had freely raised the Siege of London-Derry. Upon which Letters, and the Votes and proceedings of Col. Pride's Parliament thereupon, I shall commend to my Readers observation these following particulars:

1. The 15. August. Letters informe, that O Neale freely offered his assistance to Coote, professing much affection to the Parliament of England, and an earnest desire to maintain their Interest, &c. (which is his owne interest) you may remember that this bloody Rebel O Neale heretofore (when the Parliament was not halfe so corrupt as now styled in *Monstrum Parliamentum*, the Parliament of Monsters: but now that he sees them set his way, and conspire with him to destroy Monarchy and Protestantcy, he flies them, *The Honorable Parliament*, aids, and affects them.

2. The 14. August, Sir Charles Coote informe, that he hath found O Neale and his army very punctual and faithful in all their Promises and Engagements, and he makes no doubt but they will continue so unto the end, &c. The reason is, because they syde all at one end and interest: Subversion of Monarchy and Protestantcy. and

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A League Dis-
franchise & Of-
fensive, concluded
between
O Neale and Sir
Charles Coote
Governour of
Connaught for
the Parlia-
ment. See the
last Section
save one.

and goe one way to effect it, by a Conjunction of Forces and Councils.

3. The 15. August, that O Neale in his Expreſſe to Coote en-
cloſed ſome Letters he had received from Monke; and amongſt the
reſt, a Copie of a Letter from Monke in answer to a Letter of the
Lord Inchiqueene, charging Monke with joyning with O Neale and
his Party; wherein Monke inſinuated, as if O Neale's ſubmiſſion to
uſe the Parliament Power, were already accepted by them, &c.
Monke needed not inſinuate it, but might have ſpoken it Plain-
ly: as he hath done to ſundry of his Friends in England; who re-
prehended him for joyning with O Neale, to whom he answered,
that he had the authority of his ſuperiours to warrant his doings
therein: But this was before he went to Milford Haven to Cromwel,
who then taught him the art of Cromwellizing to carry on their de-
ſigne.

4. The 15 August, Cootes Lettett (to juſtifie his doings) deli-
vers a piece of Doctrine to the Councell of State; the Uſe whereof
they were very perfect in before, viz. Calling to mind that it is no
new thing, for the moſt wiſe God, to make uſe of wicked Inſtru-
ments, to bring about a good deſigne, for the advancement of his
glory, &c. This Caſuiſt in Buſſe had forgotten, that we muſt not do
evill that good may come thereof; and that both the juſt and the un-
juſt, the righteous and the unrighteous man being al of Gods creation
and making he hath the ſame prorogative over them all *jure creatio-
nis*, that a Potter hath over his Pots, he may uſe them, and doe
with them what ſeemeth beſt to his moſt holy will: and it is there-
fore Good, Holy, Juſt, becauſe he Willeth it. His Divine
pleaſure being the Rule and Standard of Goodneſſe, Holineſſe,
Juſtice. Miſtake me not; I doe not meane his bare Providence,
or Permiſſive Will, which no Man can take notice of,
and Traytors, Tyrants, Thieves, and Reprobate Saints exe-
cute, and Boaſt of to their owne Affured Damnation. There-
fore Gods employing wicked Inſtruments can be no Preſident
for our Alchimy Saints to doe the like: unleſſe Cromwells * three
Juniores and faction, will uſurpe Gods prerogative, as they have done
the Kings.

5. The 15. August, the Letter ſaith, that Coote called a Coun-
cell of Warre, who reſolved it was better to accept of the aſſiſtance of
thoſe

Why did they
cry out upon
King Charles I.
upon a ſurmiſe
that he uſed the
help of the
more innocent
Irish Papists,
being his own
Subjects under
his Allegiance
& protection?
but we find the
Godly are a-
bove all Laws.

* Councell of
Officers, of
State, and Par-
liament.

those who proclaimed themselves friends to us, and the interest we fight for, &c. Here you see O Neale bloody party and those Parliament Champions united, & friendly conspiring to uphold one Common Interest, which can be nothing but the downfall of Monarchy and Protestantism.

6. The 15. August, the Letter further saith, that we (Cooke and his Council of Warre) added to the Articles this wary proviso, not to use their assistance longer then the approbation of the State of England should go along with us therein, &c. It should seeme by this warinesse, that for the time they had used their helpe, (which was ever since the 22 of May last) the approbation of the said State (as they call it) hath gon along thetewith. And for the time they meane to use their assistance hereafter, it is left indefinite; (no longer then the approbation of the State shall go along with us therein) which may happily be untill Doome-day: notwithstanding the Order, Dated the 14 August, 1649. Voicing, That their Vote of the 10 August, in the case of Col Monke, be communicated to Sir Ch: Cooke, as the resolution of the House, &c. For, who knows whether the Copies of that Vote may miscarry, or be stayed by the way either accidentally or purposely.

See Monke's Letter of Answer to O Neale, Dated 26 April, 1649. from Dundalk, contained in the last foregoing Section but one: See the said paper, entitled, [The Propositions of Owen Roe O Neale, sent to C. Monke, &c.] printed at Cork, 1649.

7. The 14 August, The Letter saith, O Neale was pleased to communicate to him certaine Proposals, which (he saith) were long since transmitted into England to the Parliament, by Col. Monke, and though for his own part and the prime Officers with him; (these are privie to the secret carriage of the businesse, and therefore may well be satisfied with what is done already) they doe not doubt but the Proposals are already yeilded to by the State; yet in regard their Army and party in all other parts of the Kingdome (these are ignorant of the juggle, and causes thereof) cannot be satisfied therewith, until the Parliament be pleased to declare themselves more publickly therein (it should seeme they have done it privately already for the satisfaction of O Neale and his said prime officers) he hath therefore desired me humbly to intreat your Lordships to declare your resolution therein, with as much speed as may be. Here you see O Neale and his prime Officers (who know the juggle) satisfied already with a private confirmation of the Articles. But to satisfy the rest of his Army and party (to whom this mystery is not yet revealed) a publicke declaration thereof is desired; That they

they unanimously and cheerfully endeavour the preservation of the Parliaments Interest.

The Articles of Agreement between *O Neale* and *Coot* conclude clearly a League or Wars Offensive and Defensive against the Enemies of both or either, untill a more absolute Agreement be made and condiscended unto by the Parliament of England. This more absolute Agreement is now in agitation, and private Directions sent to *Coot* how to behave himself in the Transaction thereof: See the 1. Vote *dis vmeris*, 24. Aug. 1649. See the Relation of the Transactions between *Sir Charles Coot* and *Owen Roe O Neale*, printed by Order, 28. Aug. 1649.

The Votes upon these Letters and Articles were two: Upon part, in the first Vote I have observed something already in the 6. branch of this Section, (*viz.*) that their Votes of the 10. August in Case of *Col. Monke* be communicated to *Coot*; and a Direction for him how to behave himself in the Transaction between him and *Owen Roe O Neale*: This Transaction is called in the Articles (*as suprad*) a more absolute Agreement. These Letters, Article, and Votes being Apologetically published for satisfaction of the Souldiery and People; it had been fit to have communicated the said Directions also to their Truistors and Sovereigne Lords the People; that they might have seen fair play above board, and not to have sent clandestine Directions to *Coot* (in so suspicious a business) how to behave himself in the Transaction with *O Neale*, which implies the said Transaction shall be continued and may be completed; the rather for that their second Vote saith, *The House is well satisfied of the diligence, faithfullnesse, and integrity of Sir Charles Coot in preserving the Garrison of London-Derry*; now it was preserved by his said Conjunction with *O Neale*, who raised the Siege.

About this time came forth a Booke, called, [*The Levellers vindicated: or, The Case of the 22. Troops which (by Treachery in a Treay) were lately surprized at Burford: Subscribed by Six Officers in the name of many more.*] Wherein (p. 23) they say, *That under colour of the Armes solemn Engagements at New-market and Triplo-head, June 31. 1647. and many other their Declarations, Promises, and Protestations in pursuance thereof, (which Engagement they affirme) against their Preaching Coronet (Denne)*

Was

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The Levellers
vindicated: or,
The Case of
the twelve
Troops, &c.

was never yet retreated by any Generall Councell of the Army, nor upon any Petition of the Souldiers, nor their Agitation; ever by them recalled or dismissed. The whole fabric of this Common-wealth is fallen into the grossest and wildest tyranny that ever English men groined under, all their Law, Rights, Lives, Liberties, & properties wholly subdued to the boundlesse wills of some deceitfull Persons, having devolved the whole Magistracy of England into their Martiall Domination, &c.

Page 7. they say, That the Souldiers Paper-Debentures are good for nothing but to sell to Parliament men for 3s. or 4s. in the pound (which they are forced to sell them for to keep them from starving, because they will not pay one penny Arrears to such as they put out of the Army any other waies): that so they may rob the Souldiers of their Seven years Service, and make themselves and their Adherents Purchasers of the Kings Lands, for little or nothing: and (or ought appeares) the Money they buy these Debentures with, is the Money the Nation can have no account of. That they have dealt as basely with other Souldiers, who never resisted their Commands. 1. They turned them off with only two months pay. 2. They have taken away three parts of their Arrears for Free-quarter, without satisfaction to the Country. And at last force them to sell their Debentures at the aforesaid rates, that those Souldiers that are continued in Armes shall fare no better, when they have served their turns, with them.

Page 10. they say, Their Engagements against the King was not out of any Personall enmity, but simply against his Oppressions and Tyranny on the People; but the use and advantage on all the success God hath been pleased to give us, is perverted so that only, That by his removall the Ruling Sword now might invade those Parts: That we set up a Martiall Admarchy, more or less, arbitrary, and tyrannicall than England ever tasted of; and that under the notion of a Free State, when the People had no share at all in the constitution thereof, but by the treachery and falsenesse of the Lieutenant Generall Cromwell, and his Son in Law Ireton, with their Faction, was enforced and obtruded by meer Conquest on the People. And a little after, now rather than to be thus vanquished and trampled under foot by such as over our backs have stepped into the Chair of this hateful Kingdome over us, in despite of the consent, choice, and

allowance of the free people of this land (the true fountain & originall of all just power) as their own *Kings* against Kingly Government confessed: we will chuse subjection to the Prince, choosing rather ten thousand times to be his slaves then theirs; &c.

Page. 12. They Vote and Declare, *The People the Supreme Power, the Originall of all just Authority*, pretend the promotion of the Agreement of the People; stile this, the first yeare of Englands Freedom; entitle the Government, *A Free State*; and yet none more bloody, violent, and perverſe Enemies thereto: for, not under paine of death and confiscation of Lands and Goods, may any man challenge or promote those rights of the Nation, so lately pretended by themselves. Nothing but their boundlesse, lawlesse will, their naked Swords, Armes, *Armes is now Law in England*, &c.

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Col. Morrice
Governour of
Pontefract for
the King, Ban-
dicted at the
Assizes at York,
condemned, &
executed.

16. August 1649. Colonel Morrice (who kept Pontefract Castle for the King) was indicted before Judge Thorpe and Palleſton at York. Assizes upon the Statute of 25 Edward 3. for *leaving Warre against the late King and Parliament*. The Colonel challenged one Brooke (Fore-man of the Jury) for being his professed Enemy: but the Court (knowing Brooke to be the principal verbe, the Key of their worke) answered Morrice, he spake to late, Brooke was sworn already. Brooke being asked the question, Whether he were sworn or no? replied, he had not yet killed the Booke. The Court answered, It was no matter, that was but a Ceremony; alleging, he was recorded Sworne, there was no speaking against a Record: Sure they made great hast to Record him sworn before he could kill the Booke. So Brooke was kept in upon this cavill, by whose obstinacy, Morrice was condemned. I cannot wonder that legall Formes and Ceremonies are laid by (although Justice cannot subsist without those legalities to ascertain her proceedings, which otherwaies would be left at Large to the discretion of the Judge) when I see our known Lawes, *Magna Charta the Petition of Right*, 3 Carol and the rest, with the fundamentall Government of this Nation, pulled up by the roots to carry on their Designes of enslaving the People to their lusts, notwithstanding the Parliaments Declarations, Remonstrances, Protestations, Covenants, and Oathes to the contrary: and their late Vote in the Act for abolishing Kingly Government. That in all things concerning the Lives, Liberties, Properties and

Estates.

Estates of the People they would observe the knowne Lawes of the Land. But to returne to our Relation : Then *Morrice* challenged 16 more of the Jury ; whereat *Pulleston* was so pettish, that he bade *Morrice* keepe his compasse, or else he would give him such a blow as should strike of his head. Vntill *Morrice* cited the *Stat. 14 Hen. 7. fol. 19.* whereby he might challenge 35 men without shewing cause : Here you see the Iudges (which ought to be of Council with the Prisoner in matter of Law) endeavouring to out-face and blind the prisoner with ignorance of the Law, being a Martiall Man. Then he desired a Copie of his *Endictment*, that he might know what to answer; saying, he might plead speciall as well as Generall; which the Court denied him. Next, because there was point of Law in it, he desired to have Council; citing the *Stat. 1. H 7. fol. 23.* which was likewise denied him; yee (I am deceived, if *Rosse* had not) Councell allowed him, being endicted at *Winchester* for an endeavour to Murder King *CHARLES the first*) and had many other favours denied to *Morrice*) then Colonell *Morrice* for his discharge produced the Princes Commission as *Generalissimo* to the King his Father. The Iudges answered, the Prince was but a Subject as *Morrice* was; and if he were present must be tried as he was; and rejected the Commission without Reading; *Morrice* told them; the Prince had his Authority from the King, in whose name all Iudges and Officers did then Act. The Court Answered, the Power was not in the King, but the Kingdome. Observe, they indicted him for leavying Warre against the King and Parliament. The word [*Parliament*] was a superflage; for which no Indictment could lie: no Allegiance; no Treason; and we owe Allegiance to the King alone; whosoever leavieth War in *England* (in the intendment of the Law) is said to Leavy War against the King only: although he ayme not at his person, but at some other person: And if he thus leavyeth War against the King, his Crowne, and Dignity; be a Traitor; how much more must they be Traitors that haue actually murdered the King, and disinherited his and proscribed his lawfull and undoubted Heire; and (as much as in them lies) have subverted the Monarchicall Government of the Land, and consequently, all Monarchicall Lawes; whereof the *Stat.* of Treasons for Leavying War against the Kings Majesty alone; and therefore *Morrice* under a free State ought not to be

condemned or tried upon any Monarchicall Law. So *Morrice* was found guilty by a Jury for that purpose. And an illegal president began to cut off whom the Faction pleaseth, under a pretence and forme of Law, without help of a Councell of Warre, or a private Slaughter-house, or a Midnight-Coach guarded with Souldiers to *Tyburne*. These Usurpers have got the old tyrannicall trick, *To rule the People by the Lawes, but first to over rule the Lawes by these Lawgivers*; and therefore *Ut rei innocentes perirent, sunt nocentes iudices*; that true men may goe to the gallowses, Thieves must sit on the bench; but, *silent Leges inter arma*; and now, *fiat Justitia inter Leges, fiat Jus inter Judices*; the mungrell, hypocriticall, three headed conquest we live under hath dispoyled justice of her Ballance, and left her in a Military posture, with a Sword to strike; but no scales to weigh wicthall; Our licenced News Books (like Ill-Boarding-Birds) fore-told and fore-judged *Morrices* death a Month before, *He died resolutely*. Observe the thing ayimed at in this new forme of Endictment of High Treason, for leavying warre against the King and Parliament, is, first that the word [King] may hold in the Endictment, which otherwise would be found to have error in it; and though the word [for Leavying warre against the Parliament] be a vaine surplussage, signifying nothing; yet at last (by help of their owne Judges, and new-made presidents) to leavy warre against the Parliament, shall stand alone, be the only Significator, and take up the whole roome in the Endictment, and thrust the word [King] out of doores; and then Treason shall be as frequent as Malignancy is now. *Morrice* had moved, he might be Tried like a Souldier by a Councell of Warre, alleging the inconvenience of such a president if the Kings Party should retaike it, which would not be granted; yet Col. *Bathell* writ to the General and his Councell of Warre; desiring he might be retrierved; but Col. *Pride* opposed it; urging, *That it would not stand with the justice of the Army, (you see now who is the fountain of Justice) nor the safety of the Commonwealth, to let such Enemies live, the Parliament having adjudged him worthy of death, (without hearing) and given instructions to the Judges accordingly.* (O serviceable Judges!) so the Generall was overcome by this Dry-man. This fellow sitteth frequently at the Sessions house

- Three-headed,
consisting of,
1. Councell of
Warre,
2. Councell of
State,
3. Parliament.

in the *Old Bayly*, where the weight of his Slings turneth the scale of Justice which way he pleaseth.

Col. *Pricks* Dray-horses, the Commons in Parliament assembled, not yet satisfied with Blood, because they are out of danger of bleeding themselves; have Voted that *Capt. Planchette* and the Marquess of *Ormond's* Brother (Prisoners in *Ireland*) shall be brought to Tryall. If the King's Party (in imitation of their Cruelty) shall put to death the Prisoners they have taken, the Parliament will save their Arrears for their own privy Purse: *These two cases, are examples of the greatest danger, and the highest contempt of Soldiers that ever were set on foot in any Age or Nation.*

29. August, 1649 came forth a Book, called, [*An ouerie of the young Men and Apprentises of London: Or, An Inquisition after the lost fundamentall Lawes and Liberties of England*] truly and pathetically setting forth the slavery, misery, and danger of the Common soldiery and People of this Nation, and the causes thereof: well worth the reading.

About this time came forth an act (forsooth) for the speedy raising and levying money upon the Excises: that is (as the act telleth you) upon all and every Commodities, Merchandizes, Manufactures, as well imported or exported as made or growing, and put to sale or consumed, &c. That is, to lay impositions upon all we eate, drinke, wear, or use, as well in private houses as victualling houses, ware-houses, cellars, shops, &c; as well what the souldier devoures in Free-quarters upon us, as otherwise, under unheard o' penalties both pecuniary and personall to be paid; and levied with rigor. And to make every mans house lie open to be searched by every prowling Rascall as often as he or they please.

The Traitors, Tyrants, and Thieves, the Commons in Colonel *Pricks* Parliament assembled, are now againe frightened into a consideration of Foraigne Plantations: and pilling acts; *That they shall all be subject to the new Babel, or State of England: for which purpose they are very busie to undermine, divide, and subvert the old and first Planters, that (if need be) these reprobate Saints may come in upon their labors, and the better to accommodate themselves there. In the Act for sale of the Kings, Queens,* and

210.

Capt. Planchette and the Marquess of *Ormond's* Brother voted to be Tried.

211.

An Ouerie of the young Men and Apprentises of London concurring with those falsly called Levellers.

212.

Excise.

213.

Foraigne Plantations.

and Princes personall Estate, they have given leave to their Agents the Commosioners to transport beyond Sea (that is to say to their own Plantations) (under pretence of sale) the rare and choicest of the Kings goods, they heap up abundance of Wealth by Excise, Taxes, Gooldsmiths hall, Haberdashers hall, Sequestrations, cousening the Souldiers &c. That they may transport the whole wealth of the Land with them, and leave *Eng^d* naked, disarmed and oppressed with famine, and disabled to pursue them for revenge, or recovery of their losses.

214
More Gifts to
the faction.

The said Commons are never wearied with exercising their bounty amongst their own faction out of the publique purse, about 1300l. to Col. *Fielder* : to *Scobel* their Clerk (heretofore a poore under-Clerke in the Chauncery, who writ for 2 pence a sheet) besides an employment he hath already in the sale of publique Lands worth 1000l. a yeare } a pension of 500l. a yeare ; and a Noble fee for every Copie of an Order taken forth, *totis quoties*, although most of their Orders containe not above three or foure lines ; an extortion farre surmounting the Star Chamber, or Councell Table, of which themselves so much complained : The

Numb. 319
from Monday,
Sep. 3. to Monday,
Sept. 10.

Diurnal tells you, an Act was read for satisfying the sufferings of two Members, who have been in the late War damified many thousands : these (I conceive) to be Sir *Thomas Jervys* and Mr. *Robert Walpole* ; this satisfaction must be made out of the publick purse, which must be filled by Taxes againe out of their private purses who have lost as well as they without satisfaction, or hopes of satisfaction, notwithstanding many votes that all should be satisfied.

215
O *Cromwell*
redueth Ions's
own Regiment
and other Reg-
iments in
Dublin. Let
Sir *C. Cook* and
his Regiment
in *Londonderry*
expect the like.

O *Cromwell* hath reduced the Officers in Col. *Jones* his Regiment, and other *Dublin Regiments*, notwithstanding their Valour and fidelity shewn in raising the Seige of *Dublin* : you see he will trust none but his own immediate Creatures : this Faction casts out all other men, as quicksilver spues out all other mettals (Goold Excepted) so that by this, and many other examples, they may see that all their faithfull services and bloodshed are powred into the bottomlesse tub of Oblivion ; as their Arrears are cast into the bottomlesse bagge of the publique baith.

Sunday 9. Sept 1649. At the Church of *Saint Peters Pauls-Wharf*

wharfe; Master *Williams* reading Morning Service out of the booke of Common prayer; and having prayed for the KING as in that Liturgy (established by Act of Parliament) he is enjoined, six Souldiers from Saint *Pauls* Church (where they quarter) came with Swords and Pistols cocked into the Church commanding him to come downe out of the Pulpit; which *Williams* immediately did, and went quietly with them into the Vestry; when presently a party of Horse from Saint *Pauls* rode into the said Church with Swords drawne and their pistols spanned, crying out, *Knock the Rogues on the head, Shoot them, kill them*; and presently shot at randome at the croud of unarmed Men, Women, and Children; shot an old woman into the head, wounded grievously above forty more, whereof many are likely to die, frightened Women with Child, rifled and plundered away their Cloakes, Hats, and other spoils of the Egyptians, and carried away the Minister to *White-Hall* Prisoner. You see these Hereticks, Schismatics, and Atheists that cry so loudly upon *Leberly of Conscience* for their own Blasphemies, will allow no Liberty of Conscience to Protestants, notwithstanding their Doctrine and forme of Service is ancient, allowed, and commanded by known Lawes, and approved of by all the Reformed Churches in Christendome. This strongly argues a designe in the three Kingdomes to root out Protestantcy, as well as Monarchy, carried on by a conjunction of counsels and forces betwene that triumvirate of Rebels, *O. Neale*, *O. Cromwell*, and (as many wise men thinke) *Argyle*: who would not otherwise keepe the Scots from complying with the King upon modest and moderate termes, such as shall leave him in the condition of a Governing King able to protect his people from injuries at home and abroad, without which, he is but — *magni nominis umbra*, the shadow and May-game of a King. Observe, this provocation was put upon the City when an artificiall mutiny was raised at *Oxford*; and against the great Horse race, appointed to be at *Burckley*, the 11 September; to draw both City and Country to joyne with the Mutineers: and then the Souldiers should have made their peace by themselves, and have left the rest to the Mercy of the State to saile more money upon them for *O. Cromwells* expedition in *Ireland*, who hath writ for more recruits of Men and Money.

A violent intrusion of the Parliament Januaries upon the Protestants at Church in St. Peters *Pauls wharfe*, Sunday morne, 9. Sept. 1649.

This mutiny was not begun by Levellers.]

217.

O Cromwell's
Men sick in
Ireland.

Those bloody Saints that accompanied O Cromwell into *Ireland* (to make that Kingdome as miserable and slavish as they have made this) doe now poure forth the blood of their owne bowels in great abundance: Gods vengeance having visited most of them with the bloody flux; whereof many die: But this is a secret that must not be knowne to the Ungodly, and therefore O Cromwell and his Councell of Warre at *Dublin* have made an Order, Declaring, That if any Person residing within the Garrison of *Dublin*, whether Inhabitant or Souldiers; shall (upon pretence of writing to their Friends) signifie the Transactions of the army (between O. Neale, and O Cromwell, it may be) or their Engagements with the Enemy, so as to set forth their Successes, or Losses, untill first the Generall or Councell of Warre have signified (falsified) the same to his Parliament of England, they shall incur the breach of the Article against Spies, and be accordingly punished with Death &c. Here you see O Cromwell, in the first Yeare; nay in the first Month of his reigne, sets up a military tyranny in *Ireland*, to which all People, as well not Souldiers as Souldiers must submit their Lives and fortunes; and the writing of newes to their Friends in *England*, (whereby their Lies and Forgeries may chance to be contradicted) shall be construed to be a Breach of the Article against Spies: not because Reason and Truth, or the Customes of Warre calls it so, but because the Sword puts this construction upon it. Take notice *Ireland* that this is the first yeare of thy Bondage if they prevaile. And take notice *England* that O Cromwell and his Councell and Party are resolved to Lie without controule if they prevaile not; their Letters speake him to be 15000 strong before *Tredagh*, which hath Articled to yeild: That the next he will vouchsafe is *Dundalke*, and that *Ormond* flies from the face of this *Josua*; and Lying Prophets are sent over to gull the people into a believe. But the truth is, he is not able to draw together above 4000. or 5000. men; unless his Confederate O Neale joyne with him: And *Ormond* hath wit enough to know that sickness and famine in that wasted Country, are sufficient to deal with O Cromwell without his running the hazard of an engagement with such desperate forlorn Wretches.

218.

Col. *Bransfield*, *Hooker*, *Cox*, and *Baynes*, Citizens, who the last yeare were committed upon suspicion of High Treason (to which every

every offence against this new *Habel* State is now wrested (notwithstanding the Stat. 25. Edm. 3. for limitation of Treasons) as in an infectious season all diseases turne to the plague) and were then discharged for want of matter to make good the Charge; are now againe imprisoned (in the first year of *Englands* Liberty) at the request of *Birkhead* (Serjeant at Arms to the Commons) untill they pay such unreasonable fees as he pleases to exact from them: This had been great Extortion and Tyranny in the *KINGS* time, when this Nation enjoyed so much Freedome as to call a Spade, a Spade; an Extortioner, an Extortioner; and a Tyrant, a Tyrant. And reason good; for if such Fees be Legally due, *Birkhead* hath Legall meanes to recover them, if not Legally due, it is Extortion in him to demand them in so violent a way; and Tyranny in his Masters the Commons to maintaine him in it.

Unreasonable Fees extorted by *Birkhead* by Dures of Imprisonment; with the connivance of the Commons.

Sir *Henry* *Mildmay* lately coming to the Tower, and perceiving the Countesse of *Carlisle* window had some prospect to Col. *Lylburns* grates, (out of his parasitricall diligence) told the Lieutenant of the Tower, That notwithstanding the distance was such as they could not communicate by speech, yet they might signify their intentions, by signes upon their fingers; to the prejudice of the tender, infant State: and accompanying this admonition with some grave and politick Nods, hastned rway to the Councell of State; and (being both out of breath and sense) unloaded himselfe of his Observations there: and was seconded by *Tho. Scot* (the Demolisher of old Palaces, and D-flower of young *Maydenheads*, before they are ripe) who much aggravated the danger, and applauded the Observer. Sure Sir *Henry* hath not yet forgot the bawdy language of the hand and fingers; since he first, in Court began, to be Ambassadour of love, Procuror *Pimp* or pandor to the Duke of *Buckingham*; and laboured to betray the honour of a fair Lady (his nearest ally) to his lust, had nor she been as Virtuous as he is Vicious, (if it be possible for any Woman to be so) and did actually betray others to him. I can tell you that very lately Sir *Harry* (pretending himselfe taken with the Wind-collick) got an opportunity to insinuate himselfe into a Citizens house in *Cheapside*, and tempted his Wife; but had a shamefull repulse; but more of this I will not speake, least

319.
Sir *Har. Mildmay's* Politicke Observations; Chaste Conversation; and first initiation at Court.

his wife beat him, and give an ill example to other women to the prejudice of our new States men; and their new erected Sodomes and Spintries at the Mulbury garden at St. James's.

210
Felons fetched
out of New-
gate to informe
against Mer-
chants for not
paying Cu-
stomes.

Master Gybs (Master of a ship) having caused three Fellowes to be committed to *New-gate* upon Felony, for Robbing him; these fellowes sent to Colonel *Harvey* that he would procure their Liberty they would discover to him several Merchants who had lately stolne Customes. Whereupon *Harvey* sends for those Rogues out of *New-gate*, hears their accusation, approves it, prosecutes the Merchants upon the information of those Villains, discharges them of their Imprisonment, by his own power, and recommends them to Colonel *Deane* to be employed in the Navie. And one Master *Lovell*, a Silke-man in *Saint Lawrence lane*, is committed to the *Gate-house* Prisoner, because he refuseth to Sweare how many Bayles of Silke he had come over: if the First yeare of our Liberty make such presidents, what Monsters will the sixt and seventh yeare produce? All Printes begin with moderation; the Elders gave good Counsell to *Robaboam*, *Serve the People one day, and they will serve thee for ever hereafter.* Nero had a commendable *Quinquennium*; but our Novice Statists are Tyrants *ab incunabilis*; oppressors with shels upon their heads, from the Nest, before they are fledg, what will they be hereafter?

211
Sommer-bill
given to Brad-
shaw. A top
for Cerberus

Sommer-bill: a pleasant seat, worth 1000l. a yeare, belonging to the Earle of Saint *Albans*, is given by the Junto to their Bloud-hound *Bradshaw*, so he hath warned the Countesse of *Leicester*, (who formerly had it in possession to raise a debt of 3000l. pretended due to her from the said Earle; which she hath already raised foure fold) to quit the possession against our Lady-day next.



The Protestation and Declaration.

212

THE premises considered, I doe hereby in the name and behalfe of my selfe, and all the Free People of England, Declare and Protest, That the Generall, Councell of Warre, and Officers of the Army,

Army; by their said violent and unreasonable force upon the same major, more honest and moderate part of the House of Commons; (being above 250) and leaving only 30. or 60. Schismatick of their own engaged party sitting and Voting under their Command; and almost all of them such as have and doe make a prey of the Commonwealth to enrich themselves and their Faction; have broken discontinued and waged War against the Parliament, and have forfeited their Commissions. And the remaining Faction in the House of Commons by abetting, ayding, and concurring with the said Council of War, in the said rebellious force; and by setting up new, illegall and arbitrary Courses of Iudicature to Murder King CHARLES the first, our Lawfull King, and Governour (who by his writt (according to the Law) Summoned and authorised this Parliament to meet, sit, and advise with him, and was the fountaine, head and conclusion, or consummatory end of the Parliament and Supreme Governour over all Persons; and in all causes of this Kingdome) and by abolishing the House of Peers and the Kingly Office, and Disinheriting the Kings Children; and usurping to themselves the Supreme Authority and Legislative Power of this Nation, in order to make and establish themselves a Council of State, Hogens mogens or Lords States Generall, and translate the said Supreme power and Authority into the said Council of State, and then Dissolve this Parliament and perpetuate their said Tyranny and this Army, and Govern Arbitrarily by the Power of the Sword, and raise what illegall Taxes they please, and eat out, consume and destroy whatsoever will not basely submit to their Dominion. Have by the aforesaid waies and means totally subverted this Commonwealth, and destroyed the fundamentall Lawes, Authority and Government thereof, Dissolved and abolished this and all future Parliaments, so that there is now no visible, Lawfull Authority left in England; but the Authority of King CHARLES the second, who is actually King of all His Dominions presently after the deace of the King his Father, before any Proclamation made; or Coronation Solemnized, notwithstanding that by His utmost Banishment (caused by the interposition of the said traiterous, combined, Antimonarchicall Faction) he be eclipsed for the present and was suffered to performe any acts of government to his three Kingdomes, nor restore Peace, plenty, justice, mercy Religion, Lawes, and Liberties to them againe, which no hand but his

Principium,
Caput & finis
Parliamenti,
Oathes of Al-
legiance and
Supremacy.

See 1. part, sect.
105. 106. and
the Conclusi-
ons, 15. 16. 17.
18. and returne
to sect. 79. 109.
110.

S. ar. of Recog-
nition, 1 Jac.
Oathes of Al-
legiance and
Supremacy.

owne can bestow; and therefore in vain doe the people long for and expect Figs from Thistles, Grapes from Thornes: This Kingdome of the Brambles now set up, being onely able to scratch and tear, is not to Protect and Govern them. I farther Declare and Protest, That this combined trayterous Faction, have forced an Interregnum and a Justitium upon us, an utter suspension of all Lawfull Government, Magistracy, Lawes and Iudicatories; so that we have not de jure, any Lawes in force to be executed, any Magistrates or Judges Lawfully constituted to execute them; any Court of Justice wherein they can be judicially executed; any such Instrument of the Law as a lawfull Great Seal; nor any Authority in England that can lawfully Condemn and Execute a Thief, Murderer, or other Offender, without being themselves called Murderers by the Law, all legall proceedings being now coram non Judge; nor can this remaining Faction in the House of Commons shew any one President, Law, Reason or Authority whatsoever for their aforesaid doings, but onely their owne irrational tyrannicall Votes, and the Swords of their Army: Wherefore I doe further Declare and Protest before God and the World, That all Free-borne Subjects of the Kingdoms of England and Ireland, are bound by the Stat. of Recognition, 1. Jac. and by all our Lawes and Statutes, By their Oathes of Allegiance, Obedience and Supremacy, the Protestation and Nationall Covenant, by very many Declarations, Remonstrances, Petitions and Votes of this Parliament; and all Souldiars are engaged also by their owne Declarations, Remonstrances, & Proposals, to defend, assert, and vindicate, With their lives and fortunes, the Person, Authority and Title of our aforesaid Lawfull KING and Supreme Governour (the undoubted Heire of all His late Fathers Dominions) CHARLS the Second, by the Grace of God, King of Great Britaine, France and Ireland, &c. against all Opposites and pretended Authorities whatsoever, unless they will be guilty of the foulest sinnes of Treason, Rebellion, Perjury, and perfidiusnesse against their God, their King and Country; and of profaning the Religion, Lawes and Liberties of the Land, their Wives, Children, and Estates, to the last of an Armed Faction: usurping a farre more Arbitrary and Tyrannicall power over our Consciences, Persons, Liberties and Estates then ever was known in England before, or then is now used by the Russe, Turk, or Tatar, or any the most enslaving and lawlesse Tyrants under Heaven.

An

An Exhortatory Conclusion to the English Nation.

TO conclude the series of Affaires and Action on both Parties (especially of late) rightly compared, it appeareth by the sequel, That King CHARLS the First, from the beginning took up Defensive Arms to maintain Religion, Laws, Liberties, and the ancient fundamentall being of Parliaments and this Kingdome: and that there alwayes was, and now especially is, a predominant Faction in Parliament (notwithstanding their frequent Declarations, Remonstrances, Petitions, Protestations, Covenant, and Votes to the contrary) conspiring with a party (especially of Commissioned Officers of the Army) without the Houses to Change the Fundamentall Lawes and Government of the Church and Common-wealth, to usurp into a few hands the Supreme Authority, to enslave the people with an Oligarchicall, Military, and Arbitrary Government, to raise what illegall Taxes they please to establish their tyranny and enrich themselves and their party, to oppress, consume and devour all Men of a judgement contrary to their Interest; to Murder them by new-declared arbitrary Treasons, contrary to the Stat. 25. Edw. 3. for ascertaining Treasons; to Disfranchise them of their Birth-rights, and make them *Adscriptivie Glabe*, Villains Regardante to their own Lands, which the Nobility, Gentry, and Yeomanry plough, sowe, and reap, whilst Brewers, Draymen, and Coblers eat, drink, and play upon the sweat of their labours; and are the *Usufructuaries* of their Estates. All which they have lately brought to passe; wherefore let all true Englishmen (as becomes good Christians, good Patriots, and gallant men) claime their Birthrights: and with one voice cry out,

223.
Compare the Date of the R. Commissions with those of the Parliament and their Declarations on both sides.

1. We will not Change our Antient, sealed and well approved laws to which we are sworn.

2. We will not Change our Antient and well tempered Magistracy to which we are sworn.

3. We will not change our old Religion for new Lights and inventions.

4. We will not subject our selves to an eighth part of one Estate or House of Parliament, sitting under a force, and having expelled two hundred and fifty of their Fellowes (more righteous than themselves) by force, and usurping to themselves the Supreme Authority.

5. We will not be subjected to a new Supreme Authority usurped by

See the Stat. of
Recognition,
1. Fac. and the
Oathes of Al-
legiance, Obe-
dience, and
Supremacy.

by forty ambitious, covetous Tyrants, arrogating to themselves to be a Council of State, and designed to supply the room of Parliaments, under what name or title soever they shall make themselves.

6. We will not submit our selves to a Military Government, or Councell of Officers.

7. We must and will have a KING, and the KING whom the Lawes of God and this Land have Designed to us, we being by the Oathes of Allegiance, Obedience, and Supremacy sworn to bear faith and true Allegiance to King CHARLES the first his lawfull Heyres and Successors.



Hic telum infigam, moriarque in vulnere —

Postscript.

READER; at the latter end of my first part of *The History of Independency*, I have presented to thy consideration, some Generall Conclusions arising out of the Premises; the same Conclusions do as naturally arise out of the premises of this second part of the History: and doe as aptly serve to illustrate this Second, as that First part; wherefore to that First part I send thee for opening thy understanding.

When our Lawes run againe into their Ancient Channel, and the Sword of Murder is sheathed, and the Sword of Justice drawne; the Author engageth to publish his Name and Apologic, and shew what he hath done and suffered for the Parliament and Kingdome.

THE END.

